

United States District Court
For the Northern District of California

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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

YVONNE ZIVANIC,)	Case No. 10-cv-00737-SC
)	
Plaintiff,)	ORDER GRANTING MOTION TO
)	<u>CORRECT</u>
v.)	
)	
WASHINGTON MUTUAL BANK, F.A;)	
ERIC DIPPEL; LISA DIPPEL; JP)	
MORGAN CHASE BANK, N.A.;)	
DEUTSCHE BANK NATIONAL TRUST)	
COMPANY; et al.,)	
)	
Defendants.)	
)	
)	

Now before the Court is Defendants JP Morgan Chase Bank, N.A. and Deutsche Bank National Trust Company's (collectively "Defendants") motion to correct an error in a prior order issued in this case. ECF No. 32 ("Mot."). Responses to Defendants' motion were due on February 4, 2015, but none have been filed. The Court will therefore treat the motion as unopposed. The Court finds that the motion is suitable for disposition without oral argument, pursuant to Civil Local Rule 7-1(b).

On May 26, 2011, the Court granted Defendants' unopposed motion for return of property in this matter. See ECF No. 31. The

1 Court's order included an order that the Notice of Pendency of
2 Action recorded as Document 20615884 on February 19, 2010 in the
3 office of the Santa Clara County Recorder's office be expunged.
4 Id. at 2. That order was in error; the correct document number is
5 actually Document 20615684. The correct number is reflected in
6 Defendants' motion for return of property, see ECF No. 29 at 6,
7 Defendants' proposed order, see ECF No. 29-1 at 2, and the relevant
8 document itself, see ECF No. 29 Ex. 7 at 1.

9 The error in the Court's prior order was due to a clerical
10 mistake. Federal Rule of Civil Procedure 60(a) permits the Court
11 to "correct a clerical mistake or a mistake arising from oversight
12 or omission whenever one is found in a judgment, order, or other
13 part of the record." Given that every relevant document that
14 Defendants provided in support of their motion indicates that the
15 correct document number was indeed 20615684, and that the document
16 itself reflects that number, the Court finds that its prior order
17 referred to Document 20615884 as the result of simple clerical
18 mistake. Defendants' motion is GRANTED.

19 The Court ORDERS that the Notice of Pendency of Action
20 recorded as document 20615684 on February 19, 2010 in the Santa
21 Clara County Recorder's Office is hereby expunged.

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23 IT IS SO ORDERED.

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25 Dated: March 25, 2015

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UNITED STATES DISTRICT JUDGE

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