

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

UNITED STATES OF AMERICA,

No. C 10-00796 WHA

Plaintiff,

v.

**ORDER REGARDING
DEFENDANT YU'S MOTION TO
EXPUNGE LIENS OR OTHER
CLAIMS OF INTEREST IN THE
SUBJECT PROPERTY**

BENJAMIN JONES, MICHELLE YU,
OFFICE OF TAX COLLECTOR SAN
MATEO COUNTY, NATIONAL CITY
MORTGAGE COMPANY, UNIFUND CCR
PARTNERS, EMPLOYMENT
DEVELOPMENT DEPARTMENT STATE
OF CALIFORNIA, FRANCHISE TAX
BOARD STATE OF CALIFORNIA, and
BANK OF AMERICA N.A.,

Defendants.

Defendant Michelle Yu filed a motion to expunge any liens or claims of interest, in the real property that this the subject of this action, held by defendants the Employment Development Department of the State of California, the Franchise Tax Board of the State of California, and Unifund CCR Partners. The government was order to show cause why it did not file an opposition or statement of nonopposition to Ms. Yu's motion. The government has now responded that it did not do so because "Defendant Yu created the equivalent of a cross-complaint against three of her co-defendants . . . [and i]t would be improper for the government to . . . take a position."

The Employment Development Department of the State of California and the Franchise Tax Board of the State of California appear to disclaim any interest in the property. Counsel for


1 the Franchise Tax Board has filed a notice disclaiming “any right, title, or interest in or to the
2 property . . . by virtue of any recorded liens” (Dkt. No. 10). Plaintiff has also filed a notice
3 purportedly on behalf of the Employment Development Department of the State of California in
4 which it disclaims “any and all rights, title, or interest in or to the subject matter of the
5 complaint” (Dkt. No. 20).

6 Now Unifund CCR Partners has filed an answer and an opposition to Ms. Yu’s motion,
7 in which it claims “a lien against the subject property in the sum of \$19,302.28 plus accrued
8 interest at the legal rate of ten percent per annum from September 18, 2006, to date” (Dkt. No.
9 42).

10 Ms. Yu must file a reply in support of her motion by **NOVEMBER 24, 2010, AT NOON.**
11 Ms. Yu shall please confirm that she intends her motion to be a crossclaim against certain of her
12 co-defendants. She shall please provide legal authority for her argument that the Court should
13 expunge any liens or claims of interest in the subject property by the three defendants, when one
14 of them now claims a specific interest in the property, as identified above. Ms. Yu is of course
15 welcome in the alternative to withdraw her current motion and more explicitly file a crossclaim
16 against Unifund CCR Partners for a priority in interest in the subject property.

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18 **IT IS SO ORDERED.**

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20 Dated: November 15, 2010.

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23 WILLIAM ALSUP
24 UNITED STATES DISTRICT JUDGE
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