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

JON JON MANUEL, an individual,  
and MARIA VICTORIA MANUEL,  
an individual,

Plaintiff,

v.

INDYMAC BANK FSB in  
Receivership of FDIC; HSBC BANK  
USA, NATIONAL ASSOCIATION, a  
US Corporation; REGIONAL  
SERVICE CORPORATION, a  
California Corporation; LPS  
DEFAULT SOLUTIONS, INC., a  
Delaware Corporation; LPS AGENCY  
SALES AND POSTING, INC., a  
California Corporation; and DOES 1  
through 50, inclusive,

Defendant.

NO. C10-1035 TEH

ORDER RE SUPPLEMENTAL  
BRIEFING

The Court has reviewed the papers submitted by Plaintiffs Jon Jon Manuel and Maria Manuel (“the Manuels”) and Defendant Federal Deposit Insurance Corporation (“FDIC”) regarding FDIC’s motion to dismiss filed on July 19, 2010. The matter has not been adequately briefed, and the Court seeks additional briefing on the following question:

1. The Manuels contend that they are challenging the actions of IndyMac Bank, not the actions of FDIC as receiver of IndyMac Bank. In light of this contention, are the Manuels’ equitable claims, which seek declaratory judgment and orders quieting title and setting aside the foreclosure sale, barred by the administrative claims process provided for in the Financial Institutions Reform Recovery and Enforcement Act of 1989 (“FIRREA”)? Specifically, are each of these claims a “determination of rights” under 12 U.S.C. §

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1821(d)(13)(D)? And is the relief the Manuels seek capable of being resolved by the claims process even though the Manuels' claims touch upon the rights of third parties?

The present hearing date of September 13, 2010, is vacated. Supplemental briefs from both parties must be submitted by September 15, 2010, and the new hearing date will be October 4, 2010.

**IT IS SO ORDERED.**

Dated: 9/7/10



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THELTON E. HENDERSON, JUDGE  
UNITED STATES DISTRICT COURT