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

FERMIN SOLIS ANIEL and ERLINDA  
ABIBAS ANIEL,

Plaintiffs,

v.

AURORA LOAN SERVICES LLC, et al.,

Defendants.

No. C 10-01042 JSW

**ORDER REQUIRING  
SUPPLEMENTAL BRIEFING**

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In its reply brief, Aurora raises a new argument that Plaintiffs now lack standing to bring the claims that remain in this case because Plaintiffs' bankruptcy proceedings have been converted from proceedings brought under Chapter 11 to proceedings brought under Chapter 7 of the United States Bankruptcy Code and, thus, because the claims have not been abandoned or qualified for an exemption, only the Trustee has standing to pursue the claims. The Court **HEREBY ORDERS** Plaintiffs to file a supplemental brief, not to exceed five (5) pages, that addresses this limited argument.

**Plaintiffs' supplemental brief shall be due by no later than 10:00 a.m. Tuesday, October 12, 2010.** The Court shall not permit a further response from Aurora. The hearing on the motions to dismiss remains on calendar on October 15, 2010, unless otherwise ordered by the Court.

In its Supplemental Request for Judicial Notice, Aurora submits Plaintiffs' Form 7 Statement of Financial Affairs, filed in the Bankruptcy Proceeding, which does not include a reference to this lawsuit. Accordingly, it is **FURTHER ORDERED** that Plaintiffs are directed

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to serve a copy of this Order on the Bankruptcy Trustee by no later than October 8, 2010, and shall file proof of such service with this Court.

**IT IS SO ORDERED.**

Dated: October 4, 2010

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

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3 UNITED STATES DISTRICT COURT  
4 FOR THE  
5 NORTHERN DISTRICT OF CALIFORNIA

6 FERMIN SOLIS ANIEL et al,  
7 Plaintiff,

Case Number: CV10-01042 JSW

8 **CERTIFICATE OF SERVICE**

9 v.

10 AURORA LOAN SERVICES LLC et al,  
11 Defendant.

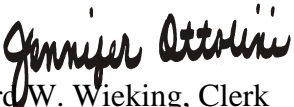
12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

13 That on October 4, 2010, I SERVED a true and correct copy(ies) of the attached, by placing said  
14 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing  
15 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle  
16 located in the Clerk's office.

17 Erlinda Abibas Aniel  
18 75 Tobin Clark Drive  
19 Hillsborough, CA 94010

20 Fermin Solis Aniel  
21 75 Tobin Clark Drive  
22 Hillsborough, CA 94010

23 Dated: October 4, 2010

  
24 Richard W. Wieking, Clerk  
25 By: Jennifer Ottolini, Deputy Clerk  
26  
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