

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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 FOLLOWING REMAND,
DIRECTING PLAINTIFFS TO
FILE AMENDED COMPLAINT
AND SETTING INITIAL CASE
MANAGEMENT CONFERENCE**

On December 13, 2013, the United States Court of Appeals for the Ninth Circuit affirmed in part and reversed in part this Court’s Order dismissing this lawsuit, which arose out of nonjudicial foreclosure on Plaintiffs’ rental property.

The Ninth Circuit affirmed this Court’s decision that Plaintiffs failed to state a claim under the Fair Debt Collection Practices Act. However, it reversed this Court’s dismissal of the wrongful foreclosure claim with prejudice, and it remanded the case with directions to permit Plaintiffs to amend their wrongful foreclosure claim.

The Court has received the mandate from the Ninth Circuit. Accordingly, in accordance with the directions from the Ninth Circuit, it is **HEREBY ORDERED** that Plaintiffs shall file and serve an amended complaint, which shall be limited to the wrongful foreclosure claim, by no later than February 28, 2014.

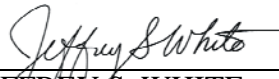
Defendants shall answer or otherwise respond in the time permitted by the Federal Rules of Civil Procedure.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

It is FURTHER ORDERED that the parties shall appear for a joint case management on Friday, April 25, 2014 at 11:00 a.m. in Courtroom 5, 2d Floor, 1301 Clay Street, Oakland, California. The parties' case management statements shall be due by no later than April 18, 2014.

IT IS SO ORDERED.

Dated: January 27, 2014



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT
2 FOR THE
3 NORTHERN DISTRICT OF CALIFORNIA
4

5 FERMIN SOLIS ANIEL et al,
6 Plaintiff,

Case Number: CV10-01042 JSW

CERTIFICATE OF SERVICE

7 v.


8 AURORA LOAN SERVICES LLC et al,
9 Defendant.
_____ /

10
11 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

12 That on January 27, 2014, I SERVED a true and correct copy(ies) of the attached, by placing said
13 copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing
14 said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle
15 located in the Clerk's office.

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

Dated: January 27, 2014


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk