

1 JOSHUA KATZ (SBN 194512)  
2 LAW OFFICE OF JOSHUA KATZ  
3 700 College Avenue  
Santa Rosa, California 95404-4107  
Telephone: (707) 546-4510  
Facsimile: (707) 575-6014

5 DANIEL F. CROWLEY(SBN 130261)  
6 DANIEL CROWLEY & ASSOCIATES  
7 37 Old Courthouse Square, Suite 200  
Santa Rosa, CA 95404  
Telephone: (707) 525-8999  
Facsimile: (707) 542-4752

8 || Attorneys for Plaintiffs and the Proposed Class

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

13 ERIK BARGER, an individual and  
14 KIMBERLY McCOY, an individual, on  
behalf of themselves and all others similarly  
situated

Plaintiffs,

V.

18 EMC MORTGAGE CORPORATION;  
JPMORGAN CHASE BANK, N.A.; and  
JPMORGAN CHASE BANK, N.A., as trustee;

## Defendants.

CASE NO.: 3:10-cv-01152-SI

The Honorable Susan Illston

**[PROPOSED] ORDER DISMISSING  
ACTION**

21 IT IS HEREBY ORDERED that this case is dismissed

22 Plaintiffs' claims are dismissed with prejudice, and the claims of the putative class are  
23 dismissed without prejudice and without notice

25 || Dated: December 8, 2011

---

**SUSAN ILLSTON**  
United States District Court