

## IN THE UNITED STATES DISTRICT COURT

## FOR THE NORTHERN DISTRICT OF CALIFORNIA

KENG HEE PAIK, an individual,

Plaintiff,

v.

No. C 10-04016 WHA

WELLS FARGO BANK, N.A., Successor by  
Merger to Wells Fargo Bank Southwest, NA  
formerly known as Wachovia Mortgage FSB  
formerly known as World Savings Bank FSB,  
WELLS HOME LOAN SERVICING, LP, a  
Texas Limited Partnership, and NDEX WEST,  
LLC, a California Corporation,

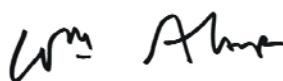
Defendants.

**ORDER DENYING  
MOTION TO DISMISS**

For the reasons stated in the memorandum opinion and order granting a preliminary injunction against a sale of plaintiff's home, the motion to dismiss by defendant Wachovia Mortgage, a division of Wells Fargo Bank, N.A., is **DENIED**. Plaintiff's complaint does not fail to state a claim upon which relief can be granted. The hearing on January 20, 2011, is accordingly **VACATED**.

**IT IS SO ORDERED.**

Dated: January 13, 2011.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE