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

CLIFFORD McKENZIE, et al.,

Plaintiffs,

v.

WELLS FARGO HOME MORTGAGE,
INC., et al.,

Defendants.

Case No.: C-11-04965 JCS

**ORDER RE DEFENDANTS’
MOTION TO DISMISS AND
DEFENDANTS’ MOTION TO
TRANSFER VENUE**

This is a putative class action brought by Plaintiffs Clifford McKenzie, Daniel and Robin Biddix, David Kibiloski, and Virginia Ryan (“Plaintiffs”) against Defendants Wells Fargo Home Mortgage, Inc., Wells Fargo Bank, N.A., Wells Fargo & Company, and Wells Fargo Insurance, Inc. (collectively, “Wells” or “Defendants”) for breach of contract, unjust enrichment, breach of fiduciary duty, conversion, violation of the New Mexico Unfair Trade Practices Act, and violation of the Truth in Lending Act (“TILA”). Plaintiffs allege that Defendants improperly forced them to maintain flood insurance with higher policy limits than their mortgage contracts or federal law require. Presently before the Court are Defendants’ Motion to Dismiss Plaintiffs’ Second Amended

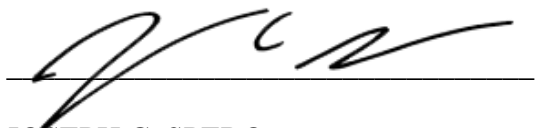
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Complaint and Defendants' Motion to Transfer Venue (collectively, "Motions"). A hearing on the Motions was held on August 31, 2012 at 9:30 a.m.

In light of a pending decision by the Panel on Multidistrict Litigation ("MDL Panel") that may result in the consolidation of related litigation, the Court will defer ruling on Defendants' Motions. The Motions are taken under submission. The parties are ordered to keep the Court apprised of the MDL Panel's proceedings and decisions relevant to this litigation.

IT IS SO ORDERED.

Dated: September 7, 2012



JOSEPH C. SPERO
United States Magistrate Judge