

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

JOHN P. MCGOUGH,
Plaintiff,
v.
WELLS FARGO BANK, N.A., et al.,
Defendant.

NO. CR 12-0050 TEH


ORDER DIRECTING PLAINTIFF
AND DEFENDANTS MERIDIAN
FORECLOSURE SERVICE AND
ONEWEST BANK FSB TO
SUBMIT SUPPLEMENTAL
BRIEFING

On September 18, 2012, the Court vacated the hearing on Defendants’ motions to dismiss that was scheduled for September 24, 2012. Although none of the parties have raised the issue, it has come to the Court’s attention that recent amendments to the California Civil Code may have some bearing on this case. Both of the parties addressed Cal. Civil Code section 2924 in their arguments, and it is clear that section 2924(a) governs an essential issue in Plaintiff’s complaint: whether the formal substitution of Meridian as Trustee was required under California law as of the time Meridian recorded the Notice of Default against Plaintiff. See SAC ¶123, Meridian’s Reply at 4. In particular, the newly enacted section 2924(a)(6) appears to address precisely this question.

Therefore, the Court instructs Plaintiff and Defendants Meridian and OneWest Bank to submit supplemental briefing of up to five pages addressing **exclusively** the question of what bearing, if any, the recent amendments have on the parties’ positions. They shall submit such briefing on or before **October 1st, 2012:**

IT IS SO ORDERED.

Dated: 9/20/12



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

United States District Court
For the Northern District of California