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**United States District Court**  
For the Northern District of California

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

PETER S. BROOKS,

No. C 12-00765 WHA

Plaintiff,

v.

**ORDER REQUIRING CLARIFICATION  
AND POSTPONING BRIEFING AND  
HEARING ON MOTION TO DISMISS**

WASHINGTON MUTUAL, INC., a  
Washington Mutual corporation and JP  
MORGAN CHASE,

Defendants.

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Defendant JP Morgan Chase Bank, N.A. of Washington Mutual Bank noticed a motion to dismiss on March 23, 2012 (Dkt. No. 10). On April 16, 2012, plaintiff filed a document titled “Second Amended Complaint for Restitution, Equitable Relief, Civil Penalties, and Motion to Vacate Defendant Request for Demurrer” (Dkt. No. 20). On April 17, this action was reassigned to the undersigned judge. Also on April 17, defendant renoticed its motion to dismiss the originally filed complaint.

If the document filed at docket number 20 is intended to be an amended complaint, then the pending motion to dismiss is moot. However, it is unclear from this document, which is disorganized and difficult to comprehend, if it is intended to be an amended complaint or a motion or both. By **MAY 10, 2012**, plaintiff shall file a statement of clarification and indicate whether the document filed at docket number 20 titled, “Second Amended Complaint for Restitution, Equitable Relief, Civil Penalties, and Motion to Vacate Defendant Request for

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Demurrer” is intended to be an amended complaint. If it is, it will become the operative complaint and a fresh motion to dismiss will need to be filed.

In light of the need for clarification regarding plaintiff’s recent filing, briefing on the pending motion to dismiss and the motion hearing are hereby postponed. A briefing schedule and hearing date will be set upon resolution of the matters discussed herein.

**IT IS SO ORDERED.**



Dated: April 19, 2012.

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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE