

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

DARRELL MCDONALD and FLORA

No. C-12-4610 MMC

MCDONALD,

**ORDER VACATING SEPTEMBER 20,
2013, HEARING ON DEFENDANTS'
MOTIONS TO DISMISS**

Plaintiff,

v.

INDYMAC MORTGAGE SERVICES, et al.,

Defendants.

_____ /

Before the Court are two motions to dismiss plaintiffs' Second Amended Complaint ("SAC"), filed, respectively, by (1) defendant Wells Fargo Bank, N.A. ("Wells Fargo") on August 2, 2013; and (2) defendants OneWest Bank F.S.B. ("OneWest") and Deutsche Bank National Trust Company ("Deutsche Bank") on August 12, 2012, the latter of which defendant NDeX West, LLC ("NDeX") has joined. McDonald has filed separate oppositions thereto, to which Wells Fargo and OneWest/Deutsche Bank have filed separate replies.¹

Having read and considered the parties' respective written submissions, Court deems the

//

¹ OneWest and Deutsche Bank failed to provide the Court with a chambers copy of their reply. Nonetheless, the Court has considered it. For future reference, OneWest and Deutsche Bank are reminded that, pursuant to Civil Local Rule 5-1(e)(7) and the Court's Standing Orders, parties are required to provide for use in chambers one paper copy of each document that is filed electronically.

1 matters suitable for decision thereon, and VACATES the hearing scheduled for
2 SEPTEMBER 20, 2013.

3 **IT IS SO ORDERED.**

4

5 Dated: SEPTEMBER 17, 2013


MAXINE M. CHESNEY
United States District Judge

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28