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 File No. 20090159901117

10 Attorneys for Defendant NDeX WEST, LLC

11 **UNITED STATES DISTRICT COURT**
 12 **NORTHERN DISTRICT OF CALIFORNIA**

14 DARRELL MCDONALD,
 15 FLORA MCDONALD
 16 Plaintiff,

CASE NO.: 3:12-cv-04610-MMC
 Related Case No.: 3:09-cv-01365-
 MMC

17 vs.

*Assigned to the Honorable Maxine M.
 Chesney, Courtroom 7 – 19th Floor*

18 INDYMAC MORTGAGE SERVICES;
 19 NDEX WEST, L.L.C.; ONEWEST
 20 BANK, F.S.B.; DEUTSCHE BANK
 21 NATIONAL TRUST COMPANY;
 22 WELLS FARGO BANK, N.A.; ALL
 23 PERSONS UNKNOWN, CLAIMING
 24 ANY LEGAL OR EQUITABLE RIGHT
 25 TITLE ESTATE LIEN OR INTEREST
 26 IN THE PROPERTY DESCRIBED IN
 THE COMPLAINT ADVERSE TO
 PLAINTIFFS' TITLE OR ANY
 CLOUD ON THAT TITLE and DOES 1
 THROUGH 10,

ORDER DENYING AS MOOT
**MOTION FOR TELEPHONIC
 APPEARANCE AT HEARING ON
 DEFENDANT ONEWEST BANK,
 FSB'S MOTION TO DISMISS THE
 SECOND AMENDED COMPLAINT**

DATE: September 20, 2013
 TIME: 9:00 a.m.
 CTRM: 7 – 19th Floor

27 Defendants.

1 Pursuant to Local Rule 16-10(a), counsel for Defendant NDeX West, LLC
2 (“NDeX”) hereby requests permission to participate in the hearing on Defendant
3 OneWest Bank, FSB’s Motion to Dismiss the Second Amended Complaint by
4 telephone. The case management conference is presently scheduled for September 20,
5 2013 at 9:00 a.m., in Courtroom 7 before the Honorable Maxine M. Chesney.

6 This request is based upon the fact that the office of lead trial counsel for NDeX
7 is located in Diamond Bar, California in Los Angeles County, and counsel is on
8 medical leave until September 24, 2013.

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10 BARRETT DAFFIN FRAPPIER
11 TREDER & WEISS, LLP
12

13 Dated: September 17, 2013

14 By: /s/ Darlene P. Hernandez
15 DARLENE P. HERNANDEZ
16 Attorneys for Defendant
17 NDeX WEST, LLC
18



23 Dated: September 18, 2013
24
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26 * Denied as moot in light of the Court's September 17,
27 2013 order vacating the hearing.