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**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION**

DAWN M. WARD, Trustee of the Al-Pheus  
Ward Trust,

Plaintiff,

v.

WELLS FARGO HOME MORTGAGE,  
INC., And DOES 1 through XXX,

Defendants.

Case No. 14-cv-00565 NC

**ORDER REQUIRING FURTHER  
BRIEFING AND CONTINUING  
HEARING**

Re: Dkt. No. 8, 25

20 Defendants moved to dismiss plaintiff's complaint and noticed a hearing set for  
21 March 26, 2014. The Court now continues that hearing and orders further briefing.

22 The Court cannot make a reasoned decision based on the little-to-no legal precedent  
23 defendants provide in support of their motion. Therefore, defendants are ordered to submit  
24 additional briefing, not to exceed ten pages, addressing the following issues and citing case  
25 law that supports their arguments: 1) whether Dawn Ward as trustee of the Al-Pheus Ward  
26 Trust, Dawn Ward in her individual capacity, or the estate of Al-Pheus Ward could allege  
27 facts to support standing for each of plaintiff's claims; 2) whether plaintiff has pleaded facts  
28 sufficient to allege that the statute of limitation for each claim should be equitably tolled,

Case No. 14-cv-00565 NC  
ORDER FOR FURTHER BRIEFING  
AND CONTINUING HEARING

1 equitably estopped, or is not applicable due to a continuing violation; 3) whether plaintiff  
2 has pleaded facts sufficient to allege that her non-performance or non-payment under the  
3 contract were excused due to defendants' acts that prevented her from performing.

4 Defendants must submit this additional briefing by April 4, 2014. Plaintiff may  
5 submit an opposition, not to exceed ten pages, by April 11, 2014. No reply is necessary.  
6 The hearing is continued to April 16, 2014 at 1:00 p.m. in Courtroom A. The parties may  
7 appear by phone if they prefer, but must arrange their telephonic appearance by contacting  
8 Courtroom Deputy Lili Harrell at 415-522-2039. Defendants' motion to appear by phone at  
9 the March 26 hearing is denied as moot.

10  
11 IT IS SO ORDERED.

12 Date: March 24, 2014

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Nathanael M. Cousins  
United States Magistrate Judge