

United States District Court  
Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
San Francisco Division

BRIAN COPPEDGE, et al.,  
Plaintiffs,  
v.  
PHH MORTGAGE CORPORATION, et al.,  
Defendants.

Case No. 3:15-cv-04945-LB  
**ORDER**  
Re: ECF No. 10

The plaintiffs originally sued PHH Mortgage Company on April 21, 2015 in state court to quiet title. (*See* Notice of Removal, ECF No.1; Joint Status Update, ECF No. 10.) The original complaint did not name HUD. (Joint Status Update, ECF No. 10.) Before they served PHH, PHH transferred title to HUD, and the plaintiffs then filed a first amended complaint adding HUD as a defendant. (*See id.*; First Amended Complaint, ECF No. 1-1.) Thus, PHH is not a property owner of record, the plaintiffs are not now proceeding against PHH, and they plan to file an amended complaint only if and when PHH becomes the property owner of record. (*See* Joint Status Update, ECF No. 10 at 2.) Under the circumstances, and given that PHH has not been served and the plaintiffs do not intend to serve them currently, the court’s inclination is that it should dismiss PHH without prejudice under Federal Rule of Civil Procedure 4(m). By January 14, 2016, the parties must confer and then file a short joint statement with their positions on this approach.

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**IT IS SO ORDERED.**

Dated: January 5, 2016



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LAUREL BEELER  
United States Magistrate Judge