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8 Attorneys for Plaintiff
 9 JOHN F. LUNDY

10 **IN THE UNITED STATES DISTRICT COURT**
 11 **THE NORTHERN DISTRICT OF CALIFORNIA**

12 JOHN F. LUNDY

13 Plaintiff,
 14 v.

15 SELENE FINANCE, LP; MTC
 16 FINANCIAL d/b/a TRUSTEE CORPS;
 17 JPMORGAN CHASE BANK, N.A.;
 18 BANK OF AMERICA, N.A.;
 19 WILMINGTON SAVINGS FUND
 20 SOCIETY, FSB d/b/a CHRISTIANA
 21 TRUST, as trustee for BCAT 2014-
 22 12TT and DOES 1-100 inclusive,

23 Defendant(s).

Case No. 3:15-cv-05676-EDL

**STIPULATION OF DISMISSAL
 OF CAUSE OF ACTION:
 VIOLATION OF CALIFORNIA
 CIVIL CODE SECTION
 2923.55(a) and 55(b)(1)(B)**

Complaint filed: Nov. 6, 2016

TO THE COURT AND ALL PARTIES:

Pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii), Plaintiff, John F. Lundy, and Defendants, Selene Finance LP and Wilmington Savings Fund Society, FSB, doing business as Christiana Trust, not in its individual capacity, but solely as trustee for BCAT 2014-12TT (collectively the “Parties”)¹ by and through their attorneys, hereby stipulate and agree as follows:

1. The Parties agree to dismiss the third cause of action for Violation of Cal. Civil Code sections 2923.55(a) and 55(b)(1)(B).

¹ A [Proposed] Judgment (Document No. 104) was filed by Defendant MTC Financial Inc. dba Trustee Corps on July 22, 2016. The [Proposed] Judgment has not yet been signed by the Court.

1 Dated: February 7, 2017

LAW OFFICES OF CHARLES T.
MARSHALL

2
3 /s/ Charles T. Marshall, Esq.
4 Charles T. Marshall
5 Attorney for Plaintiff
6 JOHN F. LUNDY

7 Dated: February 7, 2017

8 WRIGHT, FINLAY, & ZAK
9 /s/ Ruby J. Chavez, Esq.
10 Ruby Chavez, Esq.
11 Attorneys for Defendant,
12 SELENE FINANCE, LP

13 **[PROPOSED] ORDER**

14 The Court, having reviewed the stipulation of Plaintiff, John F. Lundy, and
15 Defendants, Selene Finance LP and Wilmington Savings Fund Society, FSB,
16 doing business as Christiana Trust, not in its individual capacity, but solely as
17 trustee for BCAT 2014-12TT (collectively the “Parties”), and good cause
18 appearing, hereby orders as follows:

- 19
20 1. Parties having agreed to dismiss only cause of action: Violation of Cal.
21 Civil Code sections 2923.55(a) and 55(b)(1)(B), and not the entire case,
22 same cause of action is hereby dismissed.

23 **IT IS SO ORDERED.**

24
25 Dated: February 7, 2017

26 
27 _____
28 Honorable United States Judge
Northern District of California