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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

JEAN PHLEGER,

No. C 07-01686 SBA

Plaintiff,

ORDER

v.

[Docket No. 238]

COUNTRYWIDE HOME LOANS,
INC.,
doing business as AMERICA'S
WHOLESALE LENDER, *et al.*,

Defendants.

And related cross-, counter-, and third-party suits

This matter arises from a dispute over a \$3.3 million mortgage and a \$550,000 home equity line of credit secured against plaintiff/counter-defendant Jean Phleger's house in San Francisco. Phleger has sued defendants/counter-plaintiffs Countrywide Home Loans, Inc. dba America's Wholesale Lender, Countrywide Bank, N.A., and Reconstruct Company, N.A. (collectively, "Countrywide") for violating the Truth in Lending Act ("TILA"), 15 U.S.C. § 1601, *et seq.*, cancellation, and rescission. Countrywide has counter-sued Phleger for, inter alia, judicial foreclosure on the deeds of trust securing the mortgage and the line of credit. Phleger has sued third-party defendant Stewart Title of California, Inc. ("Stewart") for negligence, breach of fiduciary duty, and indemnity.

Countrywide removed this matter to this Court on March 23, 2007. *See* Docket No. 1. On February 1, 2008, the Court set a December 16, 2008 cutoff for dispositive motions. *See* Docket No. 194. In October 2008, Phleger filed dispositive motions against Countrywide and Stewart, and Stewart cross-filed a dispositive motion. *See* Docket Nos. 200, 207, 211. On November 7, 2008, Countrywide filed a Motion for Summary Judgment or, in the Alternative, Motion for Partial Summary Judgment against Plaintiff. *See* Docket No. 241.

