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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEUTSCHE BANK NATIONAL TRUST
COMPANY,

Plaintiff,

v.

CB EQUITIES, LLC, et al.,

Defendants.

Case No. 15-cv-03809-DMR

**AMENDED ORDER¹ TO SUBMIT
SUPPLEMENTAL BRIEFING IN
SUPPORT OF MOTION FOR DEFAULT
JUDGMENT**

Re: Dkt. Nos. 40, 59

On February 25, 2016, Plaintiff Deutsche Bank National Trust Company, as Indenture Trustee for American Home Mortgage Investment Trust 2007-1 (“Deutsche Bank” or “Plaintiff”) filed a motion for default judgment. [Docket No. 40.] Plaintiff seeks to cancel, extinguish or void a stipulated judgment entered by this court on November 26, 2012 in the case of *CB Equities, LLC v. American Brokers Conduit Corporation*, case number 12-cv-5449, later recorded in the Official Records of Contra Costa County on November 29, 2012 against the property located at 223 Verde Mesa, Danville, California. The court reviewed the Motion for Default Judgment ordered Plaintiff to submit supplemental briefing. [Docket No. 56.] On April 13, 2016, the Plaintiff submitted supplemental briefing in support of its motion. [Docket No. 59.]

Plaintiff’s Motion for Default Judgment [Docket No. 40] and its Supplemental Brief in Support of the Motion for Default Judgment [Docket No. 59] provide no analysis regarding the appropriateness of Plaintiff’s requested relief that the court issue a declaration and order that the stipulated judgment entered in *CB Equities, LLC v. American Brokers Conduit Corporation*, case number 12-cv-5449, was void ab initio and of no force or effect. Plaintiff did not provide an

¹ The court’s prior order erroneously set the deadline for the opposition or statement of non-opposition as May 7, 2016, which is a Saturday. This order is amended to extend the deadline for the opposition or statement of non-opposition to Monday, May 9, 2016. This order is otherwise identical to the court’s original order [Docket No. 67].

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analysis of its entitlement to the requested relief and, in particular, did not address the issue of whether a declaration that the stipulated judgment is void, as opposed to voidable, is the appropriate remedy in this case. *See* Mot. for Default Judgment; Supp. Br. at 9.

Plaintiff shall submit additional briefing by 9:00 a.m. on May 6, 2016, to address the deficiency in the motion for default judgment. Plaintiff shall include citations supporting its requested relief (a declaration that the stipulated judgment is void). Plaintiff shall provide citations to cases that are factually similar, preferably within the Ninth Circuit.

Any opposition or statement of non-opposition is due no later than May 9, 2016.

Immediately upon receipt of this Order, Plaintiff shall serve Defendant with a copy of this Order and file a proof of service with the court.

IT IS SO ORDERED.

Dated: May 3, 2016



Donna M. Ryu
United States Magistrate Judge