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5 **Attorneys for Defendant**
6 **PNC BANK, NATIONAL ASSOCIATION, AS SUCCESSOR BY**
MERGER TO NATIONAL CITY BANK, PREVIOUSLY DOING
7 **BUSINESS AS "NATIONAL CITY MORTGAGE" (sued as**
ACCUBANC MORTGAGE, A DIVISION OF NATIONAL CITY
8 **BANK OF INDIANA, aka NATIONAL CITY BANK,**
NATIONAL CITY MORTGAGE, AND PNC FINANCIAL
9 **SERVICES GROUP, INC.)**

10 **UNITED STATES DISTRICT COURT**
11 **NORTHERN DISTRICT OF CALIFORNIA**
12 **SAN JOSE DIVISION**

W
WOLFE & WYMAN LLP
ATTORNEYS & COUNSELORS AT LAW

14 **JONATHAN KATZ,**
15 **Plaintiff,**
16 **v.**

Case No.: 5:09-cv-04866-LHK

**[PROPOSED] ORDER EXPUNGING
PLAINTIFF'S NOTICE OF PENDING
ACTION (LIS PENDENS)**

17 **CAL-WESTERN RECONVEYANCE**
CORPORATION, ACCUBANC MORTGAGE, A
18 **DIVISION OF NATIONAL CITY BANK OF**
INDIANA, aka NATIONAL CITY BANK,
19 **NATIONAL CITY MORTGAGE, PNC**
FINANCIAL SERVICES GROUP, INC., and ALL
20 **PERSONS UNKNOWN CLAIMING ANY**
LEGAL OR EQUITABLE RIGHT, TITLE,
21 **ESTATE, LIEN OR INTEREST IN THE**
PROPERTY DESCRIBED IN THE COMPLAINT
22 **ADVERSE TO PLAINTIFFS' TITLE, OR ANY**
CLOUD UPON PLAINTIFFS' TITLE THERETO,
23 **DOES 1 - 100,**
24 **Defendants.**

26 **The Court, having read and considered the moving papers filed in this matter, being fully**
27 **advised, and good cause appearing, ORDERS as follows:**

28 **///**

1 IT IS ORDERED that:

- 2 1. The request by defendant PNC Bank, National Association for an order expunging the
3 notice of pending action recorded by Plaintiff JONATHAN KATZ in the official records
4 of Monterey County on September 3, 2009 as document number 2009056344 ("Lis
5 Pendens") is granted on the basis that there is no further pending action and therefore the
6 Lis Pendens is improper; and
7 2. The Lis Pendens is hereby expunged in its entirety.

8 **IT IS SO ORDERED.**

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11 DATED: April 22, 2011



HONORABLE LUCY H. KOH
UNITED STATES DISTRICT COURT JUDGE