

United States District Court  
For the Northern District of California

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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MARIANNE PRETSCHER-JOHNSON, )

Plaintiff, )

v. )

AURORA BANK FSB, et al, )

Defendants. )

Case No.: 12-cv-5817 PSG

**ORDER RE: QUALITY LOAN  
SERVICE CORP.'S CONSENT OR  
DECLINATION TO MAGISTRATE  
JURISDICTION**

On December 4, 2012, Defendant Quality Loan Service Corp. (“Quality”) filed a “Declaration of Non-Monetary Status” pursuant to California Civil Code Section 2924l and has indicated to the court that it will not participate further in this action.<sup>1</sup> “Section 2924l sets forth a type of pleading available to state court litigants who are trustees under deeds of trust.”<sup>2</sup> Fed. R. Civ. P. 7(a) and 12, however, govern pleadings in federal court.<sup>3</sup> “Accordingly, Rule 7 and Rule 12, not [Section} 2924l, provide the proper procedural mechanisms in federal court.”<sup>4</sup> Because Quality cannot rely on Section 2924l in this court, it is not excused from participation in this suit.

<sup>1</sup> See Docket No. 3.

<sup>2</sup> *MB Financial Bank, N.A. v. Trek Equipment Corp.*, Case No. 12-cv-4973 NC, 2012 WL 6217650, at \*2 (N.D. Cal. Dec. 13, 2012).

<sup>3</sup> See *id.*

<sup>4</sup> *Id.*

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Defendants Aurora Bank, FSB, Aurora Loan Services, Mortgage Electronic Recording Systems, and Nationstar Mortgage LLC have filed a motion to dismiss Plaintiff Marianne Pretscher-Johnson's complaint.<sup>5</sup> The hearing for that motion is scheduled for March 19, 2013. Those defendants and Pretscher-Johnson have consented to this court's jurisdiction; Quality has not. Quality shall file its consent or declination to this court's jurisdiction no later than 5:00 p.m. on Friday, March 15, 2012.

**IT IS SO ORDERED.**

Dated: March 14, 2013

  
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PAUL S. GREWAL  
United States Magistrate Judge

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<sup>5</sup> See Docket No. 10.