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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

KELLIE M. BALLARD,

CASE NO. 5:13-cv-02458 EJD

ORDER TO SHOW CAUSE

Plaintiff(s),

v.

BANK OF AMERICA, N.A., et. al.,

Defendant(s).

_____ /
In this action related to real property located in Saratoga, California (the “Winery Property”), Plaintiff Kellie M. Ballard (“Plaintiff”) asserts similar causes of action for declaratory relief and injunctive relief. As to the former, Plaintiff seeks an order declaring that Defendant Bank of America, N.A. “may not proceed with a non-judicial foreclosure sale of the Winery Property in connection with the Deed of Trust, and may not proceed with any collection efforts against Plaintiff or the Winery Property,” until the resolution of a related action filed in the United States District Court for the District of Maryland.¹ As to the latter, Plaintiff seeks a similar order for the pendency of the Maryland action. At the time the instant action was filed on April 29, 2013, Plaintiff had appealed from an order dismissing the Maryland action with prejudice just one day prior.


¹ The court takes judicial notice of the docket and documents filed in Kellie M. Ballard v. Bank of America, N.A., Case No. 8:12-cv-03737 RWT (D. Md.), to the extent referenced in this order. See Reyn’s Pasta Bella, LLC v. Visa USA, Inc., 442 F.3d 741, 746 n.6 (9th Cir. 2006) (The court “may take judicial notice of court filings and other matters of public record.”).

1 According to the docket in the Maryland action, the Fourth Circuit Court of Appeals filed a
2 Memorandum and Order affirming the dismissal on October 30, 2013, and mandate issued on
3 December 4, 2013. No further activity has occurred.

4 Since the Maryland action has now been finally resolved against Plaintiff, it appears this
5 action has been rendered moot since Plaintiff can no longer receive the relief originally sought in the
6 Complaint. See Am. Cas. Co. of Reading, Pa. v. Baker, 22 F.3d 880, 896 (9th Cir. 1994) (holding
7 that a case is moot “when interim relief or events have deprived the court of the ability to redress the
8 party’s injuries.”). Accordingly, the court hereby issues an Order to Show Cause why this action
9 should not be dismissed as moot. If Plaintiff does not, **by March 21, 2014**, file a response to this
10 order demonstrating good cause why this case should not be dismissed pursuant to the preceding
11 discussion, the court will dismiss the action. No hearing will be held on the Order to Show Cause
12 unless otherwise ordered by the court.

13 **IT IS SO ORDERED.**

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15 Dated: March 13, 2014


EDWARD J. DAVILA
United States District Judge

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