

United States District Court  
Northern District of California

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MARK BINGHAM,  
  
Plaintiff,  
  
v.  
  
OCWEN LOAN SERVICING, LLC, a  
Delaware Limited Liability Company; TD  
SERVICE FINANCIAL CORPORATION, a  
California Corporation; and DOES 1 through  
100, inclusive,  
  
Defendants.

Case No. 5:13-cv-04040 HRL

**ORDER DENYING OCWEN LOAN  
SERVICING'S REQUEST TO SUBMIT  
SUPPLEMENTAL BRIEFING**

[Re: Dkt. 43]

Defendant Ocwen Loan Servicing (Ocwen) requests leave to supplement its motion to dismiss, which Judge Koh denied on April 16, 2014 (Dkt. 26). Ocwen now takes the position that Judge Koh vacated that decision the very next day.<sup>1</sup> Ocwen is wrong. Judge Koh issued her ruling without oral argument, and the April 17 docket entry Ocwen points to is nothing more than an administrative entry terminating the hearing on Ocwen's motion to dismiss. Ocwen's request for leave to supplement the terminated motion is denied, and its supplemental reply brief filed on

---

<sup>1</sup> This court wonders why Ocwen found it necessary to make this argument when it also advises that this case has settled and when it acknowledged in a May 19, 2014 Joint Case Management Statement that it had no motions before the court. (Dkt. 32).

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

July 15, 2014 will not be considered.

**SO ORDERED.**

Dated: July 17, 2014



---

HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

5:13-cv-04040-HRL Notice has been electronically mailed to:

Batkhand Zoljargal    bzoljargal@albertsfirm.com

Jeremy Jon Alberts    jalberts@albertsfirm.com, jesse@mytrustedattorney.com

Nicole Dunn    ndunn@wrightlegal.net, jevaristo@wrightlegal.net