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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CARL MARSCHELLAS, et al.,  
Plaintiffs,  
v.  
WELLS FARGO BANK, N.A., et al.,  
Defendants.

Case No. [13-cv-05806-BLF](#)

**ORDER RE: BRIEFING ON  
PLAINTIFFS' APPLICATION FOR  
RELIEF**

Before the Court is Plaintiffs' Application for Relief from the Voluntary Dismissal of the above-captioned action. The Court is informed, based on the Declaration of Susan Marscellas, ECF 40 ¶ 5, that Defendants oppose Plaintiffs' Application for Relief.

Plaintiffs claim that the voluntary dismissal filed with this Court on July 29, 2014, *see* ECF 37, was filed without their permission, that neither Plaintiff signed the document, and that they believe their signatures were wrongfully appended to the document having been "lifted" from another document they had previously signed. *See* ECF 40 at ¶ 8. Plaintiffs ask this Court to vacate the voluntary dismissal.

The Court, being informed that Defendants oppose Plaintiffs Application for Relief, hereby **ORDERS** that Defendants file with the Court a response to the Application, not to exceed five (5) pages, no later than the close of business on Tuesday, September 16, 2014. The Court shall take the Application and this response under submission and issue a written order thereon.

**IT IS SO ORDERED.**

Dated: September 12, 2014

  
BETH LABSON FREEMAN  
United States District Judge