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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

MICHAEL COMMISKEY,  
Plaintiff,  
v.  
WELLS FARGO DEALER SERVICES,  
INC., et al.,  
Defendants.

Case No. 16-CV-01497-LHK

**ORDER DENYING AS MOOT  
MOTIONS TO DISMISS**

Re: Dkt. Nos. 12, 26

On May 17, 2016, Defendant SunTrust Mortgage, Inc. (“SunTrust”) filed a motion to dismiss, and on May 20, 2016, Defendant Homeward Residential, Inc. (“Homeward”) filed a motion to dismiss. ECF Nos. 12 & 26. On June 22, 2016, the parties filed a notice of settlement as to Homeward. On July 5, 2016, the parties filed a notice of settlement as to SunTrust. ECF Nos. 54 & 61.

At the June 22, 2016 initial case management conference, the parties agreed to file a stipulation of dismissal as to Homeward by July 6, 2016. ECF No. 57.

The notice of settlement for SunTrust states that a stipulation of dismissal as to SunTrust will be filed within 30 days, which would be August 4, 2016. The notice of settlement further

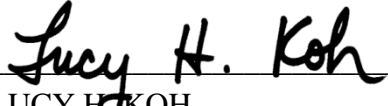
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states that “the parties respectfully request that all pending dates and filing requirements as to SunTrust Mortgage, Inc. be vacated.” ECF No. 61 at 1.

In light of the circumstances outlined above, the Court hereby DENIES AS MOOT SunTrust and Homeward’s motions to dismiss. The hearing on SunTrust and Homeward’s motions to dismiss, currently set for August 11, 2016, at 1:30 p.m., is VACATED. The case management conference, set for August 11, 2016, at 1:30 p.m., remains as scheduled. The parties shall file Homeward’s stipulation of dismissal by July 6, 2016, and SunTrust’s stipulation of dismissal by August 4, 2016.

**IT IS SO ORDERED.**

Dated: July 5, 2016

  
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LUCY H. KOH  
United States District Judge