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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

ROBERT WILDE, individually and on  
behalf of all others similarly situated,  
  
Plaintiff,  
  
vs.  
  
FLAGSTAR BANK FSB., et al.,  
  
Defendants.

CASE NO. 18cv1370-LAB (BGS)

**ORDER GRANTING STAY [Dkt. 12]**

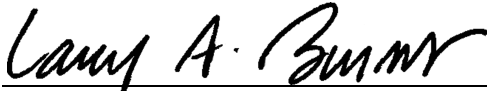
In June 2018, Plaintiff Robert Wilde filed this suit against Flagstar Bank and Flagstar Bancorp, alleging that Defendants failed to pay interest on his mortgage escrow balance in violation of California law. Flagstar filed a motion to dismiss, and a hearing on that motion is scheduled for November 19, 2018. Dkt. 11. The parties now jointly move to stay proceedings in light of the Ninth Circuit's recent decision in *Lusnak v. Bank of America, N.A.*, 883 F.3d 1185 (9th Cir. 2018), which held that California's mortgage escrow interest statute is not preempted by federal law. The respondent in that case, Bank of America, has filed a petition for writ of certiorari to the United States Supreme Court, and the parties expect the Supreme Court to rule on the petition by the end of 2018.

Whether the California law at issue here is preempted by federal law could be dispositive, so the Court agrees a stay is warranted. This proceeding is therefore **STAYED** pending the Supreme Court's resolution of the petition for writ of certiorari in *Lusnak v. Bank of America*. Within one week of the Supreme Court ruling on that petition, the parties are to

1 file a notice informing this Court of the outcome. The November 19, 2018 hearing on  
2 Defendants' motion to dismiss is **VACATED**. The Court will reset the briefing schedule and,  
3 if necessary, set a new hearing date after the petition is resolved.

4 **IT IS SO ORDERED.**

5 Dated: November 5, 2018

  
6 **HONORABLE LARRY ALAN BURNS**  
7 United States District Judge

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