

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

ROSITA FOUNTAIN; LESLIE)	CIV. NO. 15-00119 SOM-RLP
FOUNTAIN; THE STATE OF)	
HAWAII BY AND THROUGH THE)	ORDER INVITING COMMENT
ATTORNEY GENERAL OF HAWAII,)	REGARDING PROPOSED STAY
)	
Plaintiffs,)	
)	
vs.)	
)	
JPMORGAN CHASE BANK, N.A.)	
SUCCESSOR BY INTEREST BY)	
PURCHASE FROM THE FDIC AS)	
RECEIVER FOR WASHINGTON)	
MUTUAL BANK SUCCESSOR IN)	
INTEREST TO LONG BEACH)	
MORTGAGE COMPANY; JOHN DOES)	
1-50; JANE DOES 1-50; DOE)	
PARTNERSHIPS 1-50; DOE)	
CORPORATIONS 1-50; DOE)	
ENTITIES 1-50; AND DOE)	
GOVERNMENTAL UNITS)	
1-50,)	
)	
Defendants.)	
)	

ORDER INVITING COMMENT REGARDING PROPOSED STAY

This court has before it a motion to dismiss filed by Defendant JP Morgan Chase Bank, N.A., as well as a motion for leave to file Second Amended Complaint filed by Plaintiff Rosita Fountain, et al. In reviewing the motions, this court noted that the issues raised were state-law issues similar to those now being considered by the Hawaii Supreme Court in cases that include Hungate v. Rosen, SCAP No. 13-5234, which was argued earlier this year. This court proposes to stay the

present case pending guidance from the Hawaii Supreme Court relating to the duty of good faith and fair dealing in the mortgage context and to section 480-2 of Hawaii Revised Statutes as it relates to mortgages. Given the oral argument in Hungate, this court expects that guidance no later than the summer of 2016, possibly earlier. The court invites the parties in the present case to provide written comment on the proposed stay no later than September 15, 2015. Any such comment should not exceed 1500 words per party.

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, September 8, 2015.



/s/ Susan Oki Mollway
Susan Oki Mollway
Chief United States District Judge

Rosita Fountain v. JPMorgan Chase Bank, N.A. Successor by Interest by Purchase from the FDIC as Receiver for Washington Mutual Bank Successor in Interest to Long Beach Mortgage Company; CIV. NO. 15-00119 SOM-RLP

ORDER INVITING COMMENT REGARDING PROPOSED STAY