

THE HONORABLE JUDGE RICHARD A. JONES

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE**

MARTA D. LYALL, )  
Plaintiff, ) Case No: 17-00472-RAJ  
v. ) ORDER  
U.S. BANK NATIONAL )  
ASSOCIATION; TRUMAN TITLE 2013 )  
SC3 TITLE TRUST; TRUMAN )  
CAPITAL ADVISORS, LP; )  
RUSHMORE LOAN MANAGEMENT )  
SERVICES, LLC; BANK OF AMERICA, )  
N.A.; DITECH HOME LOAN )  
SERVICING; CWABS MASTER )  
TRUST, REVOLVING HOME EQUITY )  
LOAN ASSET BACKED NOTES, )  
SERIES 2004-"O"; CARNEGIE )  
MELLON UNIVERSITY; UNIVERSITY )  
OF WASHINGTON; WASHINGTON )  
STATE DEPARTMENT OF )  
COMMERCE; DISPUTE RESOLUTION )  
CENTER OF KING COUNTY; and )  
JOHN AND JANE DOES 1-100, )  
Defendants. )

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This matter comes before the Court on Plaintiff's Motion to Vacate. Dkt. # 25.

The Motion is premised on Plaintiff's belief that the Court was mistaken to conclude that Plaintiff failed to check her spam folder, or failed to diligently prosecute her case. *See, generally*, Dkt. # 25. Though Plaintiff did not make these statements in her Motion for

Extension of Time, Dkt. # 19, she did make these statements in her Notices to the Court. Dkt. ## 17, 18. The Court was not mistaken; the Court merely reiterated statements made to it by Plaintiff.

Even if the Court found that the Motion had merit, it could not grant the Motion in light of Plaintiff's Notice of Appeal. Dkt. # 23. Upon this notice, the Court was divested of jurisdiction "over those aspects of the case involved in the appeal." *Stein v. Wood*, 127 F.3d 1187, 1189 (9th Cir. 1997). Specifically, Plaintiff appeals the Court's Order granting Defendants' Motion to Dismiss, and therefore the Court is divested of jurisdiction to rule on the Motion to Vacate that Order.

For the foregoing reasons, the Court DENIES Plaintiff's Motion to Vacate. Dkt. # 25.

Dated this 9th day of June, 2017.



The Honorable Richard A. Jones  
United States District Judge