

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDWARD C. BOROWSKI,,

Plaintiff,

v.

BNC MORTGAGE, INC.; LEHMAN
BROTHERS HOLDINGS, INC.;
STRUCTURED ASSET SECURITIES
CORPORATION; STRUCTURED
ASSET INVESTMENT LOAN TRUST
2004-2; BANK OF AMERICA, NA;
JPMORGAN CHASE BANK, NA; AND
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS (MERS);
ALL PERSONS CLAIMING BY,
THROUGH OR UNDER SUCH
PERSON, ALL PERSONS UNKNOWN,
CLAIMING ANY LEGAL OR
EQUITABLE TITLE, ESTATE, LIEN
OR INTEREST IN THE PROPERTY
DESCRIBED IN THE COMPLAINT
ADVERSE TO PLAINTIFF'S TITLE
THERE TO; AND DOES 1 TO 10,
inclusive,

Defendants.

CASE NO. C12-5867 RJB

ORDER REGARDING
SHOW CAUSE

1 This matter comes before the Court on pro se Plaintiff's response to the Court's Order to
2 Show Cause (Dkt. 47).

3 On August 27, 2013 this Court entered an Order granting Defendants JP Morgan Chase
4 Bank, N.A. (Chase) and Mortgage Electronic Registration Systems, Inc. (MERS) joint motion
5 for summary judgment and denying Plaintiff Borowski's cross motion for summary judgment.
6 Dkt. 47. Plaintiff's complaint and causes of action in their entirety were dismissed with prejudice
7 as to Defendants JPMorgan Chase Bank, NA and Mortgage Electronic Registration Systems, Inc.
8 *Id.* at p. 12. On October 25, 2013, the Court denied Plaintiff's Motion for relief pursuant to Fed.
9 R. Civ. P. 60 and request for a stay from the August 27, 2013 Order. Dkt. 52.

10 On September 10, 2013, the Court entered an Order for Plaintiff to show cause that the
11 remaining named Defendants in this action were properly served and that there remained viable
12 causes of action against these Defendants. Dkt. 47. On September 27, 2013, the Plaintiff filed a
13 Response to the Order to Show Cause. Dkt. 51. Plaintiff's response shows through the
14 respective Returns of Service, that the Summons and Complaint were served on the following
15 remaining Defendants:

16 Bank of America, NA,
17 3317 SE 192nd Avenue
Vancouver, Washington 98683
18 Delivered to Jennifer Corcoran, Teller/Operations System who stated he/she was
authorized to accept service on behalf of the above named banking institution. Dkt. 8-1.

19 Structured Asset Investment Loan Trust 2004-2
20 C/O Bank of America
3317 SE 192nd Avenue
21 Vancouver, Washington 98683
Delivered to Jennifer Corcoran, Teller/Operations System who stated he/she was
22 authorized to accept service on behalf of the above named banking institution. Dkt. 8-2
23
24

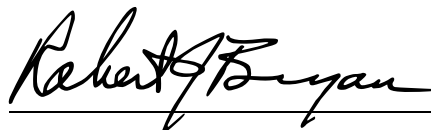
1 Lehman Brothers Holdings, Inc.,
2 2710 Gateway Oaks Drive Suite 150N
3 Sacramento, California 95833
4 Delivered to Becky DeGeorge whose title is: Agent for Service. Dkt. 10

5 Although these parties have not entered appearances in this action, it appears that these
6 Defendants were served with the Summons and Complaint. It cannot be determined at this stage
7 of the proceedings whether Plaintiff has stated viable claims against these Defendants.
8 Plaintiff's action against these three Defendants may proceed. Any other remaining Defendants
9 named in Plaintiff's Complaint have not been properly served and are dismissed from this action
10 in accordance with Fed. R. Civ. P. 4(m).

11 The Defendants that participated in the initial Joint Status Report and Discovery Plan
12 (Chase and MERS) are no longer parties to this action. See Dkts. 20, 46 and 52. The trial date in
13 this action has been stricken. Dkt. 47. Accordingly, the Court finds it appropriate to issue an
14 Amended Minute Order Regarding Initial Disclosures, Joint Status Report, and Early Settlement.
15 This Amended Order will accompany this Order Regarding Show Cause. In accordance with the
16 Amended Order, pro se Plaintiff is responsible for initiating communications with these
17 remaining Defendants. Pro se Plaintiff must confer with the Defendants Bank of America, NA.,
18 Structured Asset Investment Loan Trust 2004-2 C/O Bank of America, and Lehman Brothers
19 Holdings, Inc. and provide the Court with a combined Joint Status Report and Discovery Plan.

20 It is so **ORDERED**.

21 DATED this 30th day of October, 2013

22 

23 ROBERT J. BRYAN
24 United States District Judge