

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 08-5341 AHM (PJWx)	Date	October 26, 2009
Title	JOSE L. PINEDA v. GMAC MORTGAGE, LLC, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE		
Stephen Montes	Cindy Nirenberg		
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Jose Pineda, <i>pro se</i>		Leslie Vandale	
Proceedings:	MOTION FOR RELIEF FROM JUDGMENT FILED BY PLAINTIFF [72] (non-evidentiary)		

Court circulates tentative order (outline) and hears oral argument. For reasons and findings stated on the record, the Court GRANTS Plaintiff's Motion for Relief from Judgment and enjoins Defendants GMAC Mortgage, LLC and ETS Services, LLC, as well as any entity for which Defendants have purported or are currently purporting to act as an agent, servicer, or in any other capacity, from (1) seeking to collect money on the home equity line of credit loan that is the subject of this action ("the Loan"), (2) foreclosing on Plaintiff's residence, located at 119 Racquet Club Dr., Compton, CA 90220 (the "Subject Property"), or (3) seeking any other relief relating to the Loan or to the Subject Property.

Given Defendants' counsel's assurances as to her recommendations, Defendants are instructed to draft a proposed settlement agreement setting forth their agreement to waive and give up any rights that they may have had or currently have to enforce the Loan. The agreement shall provide that Defendants will not seek relief of any type relating to the Loan or the Subject Property. Plaintiff, in turn, shall agree to dismiss with prejudice all his claims against Defendants. The proposed settlement is to specify the address of the Subject Property and identify the original loan documents to which the settlement pertains, and shall clarify that the Loan in question is not the first mortgage loan.

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Defendants are to email or fax the proposed settlement to Plaintiff, using the email address and fax number provided by Plaintiff, not later than one week from the date of this Order. Plaintiff has one week from receiving the proposed settlement to accept or propose any changes. After the settlement agreement is signed the parties must file a stipulation and proposed order for the dismissal of the case with prejudice.

_____ : _____ 26
 Initials of Preparer SMO

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