

**UNITED STATES DISTRICT COURT, CENTRAL DISTRICT OF CALIFORNIA
(Western Division – Los Angeles)
CIVIL DOCKET FOR CASE #: 2:08-cv-05341-AHM-PJW**

Jose L. Pineda v. GMAC Mortgage, LLC et al
Assigned to: Judge A. Howard Matz
Referred to: Magistrate Judge Patrick J. Walsh
Cause: 28:2201 Declaratory Judgement

Date Filed: 08/14/2008
Date Terminated: 12/01/2009
Jury Demand: None
Nature of Suit: 220 Real Property:
Foreclosure
Jurisdiction: Federal Question

Plaintiff

Jose L. Pineda

represented by **Jose L. Pineda**
119 Racquet Club Drive
Compton, CA 90280
310-279-6433
PRO SE

V.

Defendant

GMAC Mortgage, LLC
in its capacity

represented by **Leslie F Vandale**
Wolfe and Wyman
5 Park Plaza Suite 1100
Irvine, CA 92614-5979
949-475-9200
Fax: 949-475-9203
Email: lfvandale@wolfewyman.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Samantha N Lamm
Wolfe and Wyman
2301 Dupont Drive
Suite 300
Irvine, CA 92612
949-475-9200
Fax: 949-475-9203
Email: snlamm@wolfewyman.com
TERMINATED: 01/14/2009
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

U.S. Bank National Association
in its capacity

Defendant

ETS Services, LLC
in its capacity

represented by **Leslie F Vandale**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Defendant

Fidelity National Default Solutions
in its capacity

Defendant

Does*1-10, in their capacities*

Date Filed	#	Docket Text
08/13/2008	<u>2</u>	CERTIFICATION AND NOTICE of Interested Parties filed by Plaintiff Jose L. Pineda. (et) (Entered: 08/18/2008)
08/14/2008	<u>1</u>	COMPLAINT against Defendants GMAC Mortgage, LLC, U.S. Bank National Association, ETS Services, LLC, Fidelity National Default Solutions, Does 1-10.(Filing fee \$ 350 PAID.), filed by Plaintiff Jose L. Pineda. (et) (Entered: 08/18/2008)
08/14/2008		20 DAY Summons Issued re Complaint – (Discovery) <u>1</u> as to Defendants GMAC Mortgage, LLC, U.S. Bank National Association, ETS Services, LLC, Fidelity National Default Solutions, Does 1-10. (et) (Entered: 08/18/2008)
08/26/2008	<u>3</u>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz re Notice of Interested Parties: The Court will preside over this case. (se) (Entered: 08/26/2008)
08/27/2008	<u>4</u>	PROOF OF SERVICE Executed filed by Plaintiff Jose L. Pineda, upon ETS Services, LLC served on 8/18/2008, answer due 9/7/2008. The Summons and Complaint were served by Mail service, by Federal and State statute, upon NOT indicated. Due Dilligence declaration NOT attached. Original Summons NOT returned. (jp) (Entered: 08/27/2008)
08/27/2008	<u>5</u>	PROOF OF SERVICE Executed filed by Plaintiff Jose L. Pineda, upon GMAC Mortgage, LLC served on 8/18/2008, answer due 9/7/2008. The Summons and Complaint were served by Mail service, by Federal and State statute, upon NOT indicated. Due Dilligence declaration NOT attached. Original Summons NOT returned. (jp) (Entered: 08/27/2008)
08/27/2008	<u>6</u>	PROOF OF SERVICE Executed filed by Plaintiff Jose L. Pineda, upon Fidelity National Default Solutions served on 8/25/2008, answer due 9/14/2008. The Summons and Complaint were served by Mail service, by Federal and State statute, upon NOT indicated. Due Dilligence declaration NOT attached. Original Summons NOT returned. (jp) (Entered: 08/27/2008)
08/27/2008	<u>7</u>	PROOF OF SERVICE Executed filed by Plaintiff Jose L. Pineda, upon U.S. Bank National Association served on 8/18/2008, answer due 9/7/2008. The Summons and Complaint were served by Mail service, by Federal and State statute, upon (Name and Capacity of person accept service NOT indicated). Due Dilligence declaration NOT attached. Original Summons NOT returned. (jp) (Entered: 08/27/2008)
09/17/2008	<u>8</u>	REQUEST for Enter Default against Defendant GMAC Mortgage, LLC filed by plaintiff Jose L. Pineda. (jp) (Entered: 09/17/2008)
09/17/2008	<u>9</u>	MOTION for Default Judgment By Court against defendant GMAC Mortgage, LLC filed by plaintiff Jose L. Pineda. Motion set for hearing on 10/20/2008 at 10:00 AM before Judge A. Howard Matz. (jp) (Entered: 09/17/2008)
09/17/2008	<u>10</u>	DECLARATION of JOSE L. PINEDA in support of MOTION for Default Judgment by Court against defendant GMAC Mortgage, LLC <u>9</u> filed by Plaintiff Jose L. Pineda. (jp) (Entered: 09/17/2008)
09/17/2008	<u>11</u>	NOTICE OF DEFICIENCY Re: REQUEST for Clerk to Enter Default against Defendant GMAC Mortgage, LLC <u>8</u> . The Clerk cannot enter the requested relief as 1) Proof of Service is lacking required information; Your Proof of Service was by mail No name of authorized agent who accepted service of process. (If Certified by Mail, missing Returned Receipt). 2) Your Proof of Service was cited both (FRCP and CCP statute). Only one of Statute can be selected. 3) If Substituted of Service, missing Name and capacity of person accepting service of process for authorized agent and also missing Due Diligence. 4) Requesting party shall file a new Request/Application with noted deficiencies corrected in order to have default reconsidered. 5) NOTE: Your Motion for Default Judgment set before the

		Judge is premature. (See above reason). No Default on file. (jp) (Entered: 09/17/2008)
09/17/2008	<u>12</u>	DECLARATION of Jose L. Pineda IN SUPPORT OF MOTION for Default Judgment against defendant GMAC Mortgage, LLC <u>9</u> and Against U. S. Bank Ntional Association filed by Plaintiff Jose L. Pineda. (se) (Entered: 09/18/2008)
09/17/2008	<u>13</u>	DECLARATION of Jose L. Pineda IN SUPPORT OF MOTION for Default Judgment against defendant GMAC Mortgage, LLC <u>9</u> filed by Plaintiff Jose L. Pineda. (se) (Entered: 09/18/2008)
09/17/2008	<u>14</u>	DECLARATION of Jose L. Pineda IN SUPPORT OF MOTION for Default Judgment against defendant GMAC Mortgage, LLC <u>9</u> and Against ETS Services, LLC filed by Plaintiff Jose L. Pineda. (se) (Entered: 09/18/2008)
09/17/2008	<u>15</u>	REQUEST for Clerk to Enter Default against defendant U.S. Bank National Association filed by plaintiff in pro per Jose L. Pineda. (se) (Entered: 09/18/2008)
09/17/2008	<u>16</u>	NOTICE OF MOTION AND MOTION for Default Judgment against defendant U.S. Bank National Association filed by plaintiff in pro per Jose L. Pineda. Motion set for hearing on 10/20/2008 at 10:00 AM before Judge A. Howard Matz. (se) (Entered: 09/18/2008)
09/19/2008	<u>17</u>	NOTICE OF DEFICIENCY Re: REQUEST for Clerk to Enter Default against defendant U.S. Bank National Association <u>15</u> . The Clerk cannot enter the requested relief as 1) Proof of Service is lacking required information; Your Proof of Service was by mail No name of authorized agent who accepted service of process. (If Certified by Mail, missing Returned Receipt). 2) Your Proof of Service was cited both (FRCP and CCP statute). Only one of Statute can be selected. 3) If Substituted of Service, missing Name and capacity of person accepting service of process for authorized agent and also missing Due Diligence. 4) Requesting party shall file a new Request/Application with noted deficiencies corrected in order to have default reconsidered. 5) NOTE: Your Motion for Default Judgment set before the Judge is premature. (See above reason). No Default on file. (jp) (Entered: 09/19/2008)
09/23/2008	<u>18</u>	REQUEST for Entry of Default against defendant U.S. Bank National Association filed by plaintiff Jose L. Pineda. (es) (Entered: 09/25/2008)
09/23/2008	<u>19</u>	PROOF OF SERVICE Executed filed by plaintiff Jose L. Pineda, upon GMAC Mortgage, LLC served on 8/18/2008, answer due 9/7/2008. The Summons and Complaint were served by Certified Mail, by State statute, upon CSC-Lawyers Incorporating Service Agent for Service of Process. Due Dilligence declaration NOT attached. Original Summons NOT returned. Copy of US Postal Service and Track & Confirm attached. (jp) (Entered: 09/25/2008)
09/23/2008	<u>20</u>	PROOF OF SERVICE Executed filed by Plaintiff Jose L. Pineda, upon U.S. Bank National Association served on 8/18/2008, answer due 9/7/2008. The Summons and Complaint were served by Certified Mail service, by State statute, upon J. Horn or Hoiun (illegible last name) on behalf of US Bank National Association Default Solutions. Due Dilligence declaration NOT attached. Original Summons NOT returned. Copy of Domestic Return Receipt, US Postal Service and USPS - Track & Confirm ATTACHED. (jp) Modified on 10/1/2008 (jp). (Entered: 09/25/2008)
09/23/2008	<u>21</u>	MOTION for Default Judgment by Court against defendant US Bank National Association filed by plaintiff U.S. Bank National Association. Motion set for hearing on 10/20/2008 at 10:00 AM before Judge A. Howard Matz. (jp) (Entered: 09/25/2008)
09/23/2008	<u>22</u>	MOTION for Default Judgment by Court against defendant GMAC Mortgage LLC filed by plaintiff GMAC Mortgage, LLC. Motion set for hearing on 10/20/2008 at 10:00 AM before Judge A. Howard Matz. (jp) (Entered: 09/25/2008)
09/23/2008	<u>23</u>	DECLARATION of Jose L. Pineda in support of MOTION for Default Judgment against defendant US Bank National Association <u>21</u> filed by Plaintiff Jose L. Pineda. (jp) (Entered: 09/25/2008)

09/23/2008	<u>24</u>	DECLARATION of Jose L. Pineda in support of MOTION for Default Judgment against defendant GMAC Mortgage LLC <u>22</u> filed by Plaintiff Jose L. Pineda. (jp) (Entered: 09/25/2008)
09/23/2008	<u>25</u>	REQUEST to Enter Default against defendant GMAC Mortgage, LLC filed by plaintiff GMAC Mortgage, LLC. (jp) (Entered: 09/25/2008)
09/29/2008	<u>26</u>	NOTICE OF MOTION AND MOTION to Dismiss Case <i>and Plaintiff's Complaint</i> filed by defendant GMAC Mortgage, LLC. Motion set for hearing on 10/27/2008 at 10:00 AM before Judge A. Howard Matz. (Lamm, Samantha) (Entered: 09/29/2008)
09/29/2008	<u>27</u>	REQUEST FOR JUDICIAL NOTICE re MOTION to Dismiss Case <i>and Plaintiff's Complaint</i> <u>26</u> filed by defendant GMAC Mortgage, LLC. (Lamm, Samantha) (Entered: 09/29/2008)
09/29/2008	<u>28</u>	DECLARATION of Kari Krull in support of MOTION to Dismiss Case <i>and Plaintiff's Complaint</i> <u>26</u> filed by Defendant GMAC Mortgage, LLC. (Lamm, Samantha) (Entered: 09/29/2008)
09/29/2008	<u>29</u>	<i>California Legal Authorities in Support of GMAC's Motion to Dismiss Plaintiff's Complaint</i> re: MOTION to Dismiss Case <i>and Plaintiff's Complaint</i> <u>26</u> (Lamm, Samantha) (Entered: 09/29/2008)
09/29/2008	<u>30</u>	<i>Certificate and Notice</i> of Interested Parties filed by defendant GMAC Mortgage, LLC, identifying GMAC Mortgage, LLC. (Lamm, Samantha) (Entered: 09/29/2008)
10/01/2008	<u>31</u>	SECOND NOTICE OF DEFICIENCY Re: REQUEST for Entry of Default against defendant U.S. Bank National Association <u>18</u> , REQUEST for Clerk to Enter Default against defendant GMAC Mortgage, LLC <u>25</u> . The Clerk cannot enter the requested relief as Proof of Service by Certified Mail as to defendant US Bank National: Name of person signature on return receipt is incomplete, illegible no identification that this person is authorized agent to accept service of process; Proof of Service by Certified Mail as to defendant GMAC Mortgage LLC: Track & Confirm missing name of person and authorized to accept service of process; Requesting party shall file a new Request/Application with noticed deficiencies corrected in order to have default reconsidered; NOTE: Your Motions for Default Judgment against Defendants US Bank National Association and GMAC Mortgage LLC set on 10/20/2008 before the Judge are premature. No Default on file. (jp) (Entered: 10/01/2008)
10/07/2008	<u>32</u>	MINUTES OF IN CHAMBERS (No Proceeding Held) before Judge A. Howard Matz: Plaintiff has made the following motions for default judgment: 9/17/08 MOTION for Default Judgment against defendant GMAC Mortgage, LLC <u>9</u> ; 9/17/2008 MOTION for Default Judgment against defendant U.S. Bank National Association <u>16</u> ; 9/23/2008 MOTION for Default Judgment against defendant GMAC Mortgage LLC <u>22</u> and 9/23/2008 MOTION for Default Judgment against defendant US Bank National Association <u>21</u> . No default judgment can be entered until the Clerks default is entered. No such default has been entered, for either defendant. The above mentioned motions are therefore deemed premature. No hearing is necessary. Thus, the motions are DENIED without prejudice and the hearing set for 10/20/2008, is taken off the calendar. (jp) (Entered: 10/08/2008)
10/14/2008	<u>33</u>	OBJECTIONS AND MOTION to Strike in its entirety, or alternatively in part, Defendant California Legal Authorities in support of GMAC Mortgage LLC and ETS Services LLC's Motion to Dismiss Plaintiff's Complaint <u>26</u> filed by plaintiff Jose L. Pineda. (jp) (Entered: 10/15/2008)
10/14/2008	<u>34</u>	DECLARATION of JOSE L. PINEDA in Opposition to Defendant GMAC Mortgage LLC'S and ETS Services LLC's NOTICE OF MOTION AND MOTION to Dismiss Plaintiff's Complaint <u>26</u> ; and in support of Plaintiff's Objections to and Motion to Strike Defendant Request for Judicial Notice, and Declaration of Kari Krull filed by Plaintiff Jose L. Pineda. (jp) (Entered: 10/15/2008)
10/14/2008	<u>35</u>	OBJECTIONS TO AND MOTION to Strike, in its entirety, or alternatively in part, Defendant GMAC Mortgage, LLC's and ETS Services LLC's Request for Judicial Notice and Declaration of Kari Krull in support of MOTION to Dismiss <i>Plaintiff's</i>

		<i>Complaint 26</i> filed by Plaintiff Jose L. Pineda. (jp) (Entered: 10/15/2008)
10/14/2008	<u>36</u>	OBJECTIONS AND MOTION to Strike Defendant, in its entirety, or alternatively in part, GMAC Mortgage LLC's and ETS Services LLC's NOTICE OF MOTION AND MOTION to Dismiss <i>Plaintiff's Complaint 26</i> filed by Plaintiff Jose L. Pineda. (jp) (Entered: 10/15/2008)
10/14/2008	<u>37</u>	OBJECTIONS, OPPOSITION, AND MOTION to Strike Defendant GMAC Mortgage LLC's and ETS Services LLC's NOTICE OF MOTION AND MOTION to Dismiss <i>Plaintiff's Complaint 26</i> filed by Plaintiff Jose L. Pineda. (jp) (Entered: 10/15/2008)
10/20/2008	<u>38</u>	REPLY in support of a MOTION to Dismiss Case <i>and Plaintiff's Complaint 26</i> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Lamm, Samantha) (Entered: 10/20/2008)
10/20/2008	<u>39</u>	REPLY in support of a MOTION to Dismiss Case <i>and Plaintiff's Complaint 26 and Plaintiff's Objections to Defendants' California Legal Authorities in Support</i> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Lamm, Samantha) (Entered: 10/20/2008)
10/20/2008	<u>40</u>	REPLY in support of a MOTION to Dismiss Case <i>and Plaintiff's Complaint 26 and to Plaintiff's Objections to Defendants' Request for Judicial Notice</i> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Lamm, Samantha) (Entered: 10/20/2008)
10/20/2008	<u>41</u>	DECLARATION of Leslie F. Vandale in support of a Reply to MOTION to Dismiss Case <i>and Plaintiff's Complaint 26 and to Plaintiff's Opposition</i> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Lamm, Samantha) (Entered: 10/20/2008)
10/24/2008	<u>42</u>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz: On the Courts own motion, the Court hereby takes OFF-CALENDAR and UNDER SUBMISSION defendant GMAC Mortgage, LLCs Motion to Dismiss <u>26</u> .The parties will be notified if a hearing is necessary. (smo) (Entered: 10/24/2008)
11/10/2008	<u>43</u>	NOTICE of Update to Contact Information by Jose L. Pineda the following: e-mail address: mrpinedaluis@gmail.com; Phone Number: 310-279-6433. Filed by plaintiff Jose L. Pineda (jp) (Entered: 11/13/2008)
11/15/2008	<u>44</u>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz: Amended Order re Electronic Filing. Effective January 1, 2008, electronic filing has been mandatory for most new and pending civil cases in the United States District Court for the Central District of California. Self-represented litigants and attorneys who take appropriate steps to opt out of the system need not comply with these requirements. All documents which are required to be filed in an electronic format pursuant to General Order No. 08-03 must be filed electronically no later than midnight on the date due, unless otherwise ordered by the Court. Documents filed late may be stricken by the Court. The Court will not accept documents which were filed electronically, but which otherwise fail to comply with filing requirements. See document for further details. (kbr) (Entered: 11/17/2008)
12/29/2008	<u>45</u>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz: RE DefendantsGMAC and ETS move to dismiss the action against them with prejudice.The Court GRANTS the motion in part and DENIES it in part (see document for specifics) <u>26</u> .Plaintiff is granted leave to file, within two weeks of the date of this order, an amended complaint to remedy those deficiencies noted above for which he was given leave to amend. (lc) (lc). (Entered: 12/30/2008)
12/31/2008	<u>46</u>	NOTICE OF CLERICAL ERROR: Due to clerical error Re: Minutes <u>45</u> . Page 16 was included in the scanned document in error. Incorrect image removed and replaced with Incorrect image. A correct scanned minute order is also attached hereto. (Attachments: # <u>1</u> minutes) (lc) (Entered: 12/31/2008)
12/31/2008	<u>47</u>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz:To correct a clerical error in the Courts December 29, 2008 Order,docket no. <u>45</u> , the Court orders that the corrected version be docketed in lieu of the originally docketed version. (lc) (Entered: 12/31/2008)

01/08/2009	<u>48</u>	NOTICE OF DECLARATION OF OBJECTIONS to the Decision of the Court and Declaration of Objections of Jose L. Pineda to the Decision of the Court on the Following Grounds: The court's Making of a False Record; to the Court's Acceptance of Judicial Notice in Relative Violation of; The Federal Rules of Evidence, The FRCP and Disregards California Civil code; and Its assuming of Facts Not in Evidence filed by plaintiff Jose L. Pineda. (jp) (Entered: 01/08/2009)
01/12/2009	<u>49</u>	VERIFIED FIRST AMENDED COMPLAINT against defendants GMAC Mortgage, LLC, U.S. Bank National Association, ETS Services, LLC, Fidelity National Default Solutions, Does 1-50 amending Complaint - (Discovery) <u>1</u> filed by plaintiff Jose L. Pineda. (jp) (Entered: 01/13/2009)
01/14/2009	<u>50</u>	NOTICE of Change of Attorney Information for attorney Leslie F Vandale counsel for Defendants GMAC Mortgage, LLC, ETS Services, LLC. Samantha N. Lamm will no longer receive service of documents from the Clerks Office for the reason indicated in the G-06 Notice.Samantha N. Lamm is no longer attorney of record for the aforementioned party in this case for the reason indicated in the G-06 Notice. Filed by defendant GMAC MORTGAGE, LLC and (Vandale, Leslie) (Entered: 01/14/2009)
01/14/2009	<u>51</u>	NOTICE of Change of Attorney Information for attorney Leslie F Vandale counsel for Defendants GMAC Mortgage, LLC, ETS Services, LLC. Adding Leslie F. Vandale as attorney as counsel of record for GMAC MORTGAGE, LLC and for the reason indicated in the G-06 Notice. Filed by defendants GMAC MORTGAGE, LLC and (Vandale, Leslie) (Entered: 01/14/2009)
01/14/2009	<u>52</u>	Notice OF SERVICE filed by defendants GMAC Mortgage, LLC, ETS Services, LLC, re Notice of Change of Attorney Information (G-06), Notice of Change of Attorney Information (G-06) <u>50</u> , Notice of Change of Attorney Information (G-06), Notice of Change of Attorney Information (G-06) <u>51</u> served on 1/14/2009. (Vandale, Leslie) (Entered: 01/14/2009)
01/30/2009	<u>53</u>	NOTICE OF MOTION AND MOTION to Dismiss First Amended Complaint filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. Motion set for hearing on 3/2/2009 at 10:00 AM before Judge A. Howard Matz. (Vandale, Leslie) (Entered: 01/30/2009)
01/30/2009	<u>54</u>	NOTICE Defendant's Request for Judicial Notice In Support Of Its Motion To Dismiss Plaintiff's First Amended Complaint filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Vandale, Leslie) (Entered: 01/30/2009)
01/30/2009	<u>55</u>	DECLARATION of Kari Krull re MOTION to Dismiss First Amended Complaint <u>53</u> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Vandale, Leslie) (Entered: 01/30/2009)
02/12/2009	<u>56</u>	OPPOSITION to Defendant GMAC Mortgage LLC's and ETS Services LLC's NOTICE OF MOTION AND MOTION to Dismiss Plaintiff's Verified First Amended Complaint <u>53</u> ; Declaration of Jose L. Penida filed by Plaintiff Jose L. Pineda. (jp) (Entered: 02/17/2009)
02/12/2009	<u>57</u>	OBJECTIONS to Defendants' Exhibits; and Declaration of Kari Krull <u>55</u> filed by Plaintiff Jose L. Pineda. (jp) (Entered: 02/17/2009)
02/17/2009	<u>58</u>	NOTICE OF ERRATA filed by Plaintiff Jose L. Pineda correcting Plaintiff's Objections filed 2/12/09 <u>57</u> . (se) (Entered: 02/18/2009)
02/17/2009	<u>59</u>	NOTICE OF ERRATA filed by Plaintiff Jose L. Pineda correcting Plaintiff's Opposition (Motion related) filed 2/12/09 <u>56</u> . (se) (Entered: 02/18/2009)
02/23/2009	<u>60</u>	REPLY in support of MOTION to Dismiss First Amended Complaint <u>53</u> <i>REPLY TO PLAINTIFF'S OBJECTIONS TO DECLARATION OF KARI KRULL, EXHIBITS AND REQUEST FOR JUDICIAL NOTICE</i> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Vandale, Leslie) (Entered: 02/23/2009)
02/23/2009	<u>61</u>	REPLY in support of MOTION to Dismiss First Amended Complaint <u>53</u> <i>DEFEDANTS' REPLY TO PLAINTIFF'S OPPOSITION TO MOTION TO DISMISS THE FIRST AMENDED COMPLAINT</i> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Vandale, Leslie) (Entered: 02/23/2009)

02/27/2009	<u>62</u>	MINUTES IN CHAMBERS before Judge A. Howard Matz: On the Court's own motion, the court hereby takes OFF-CALENDAR and UNDER SUBMISSION the MOTION to Dismiss First Amended Complaint <u>53</u> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. The parties will be notified if a hearing is necessary. (jp) (Entered: 02/27/2009)
04/22/2009	<u>63</u>	MINUTES IN CHAMBERS before Judge A. Howard Matz: On the Court's own motion, the Court resets defendants' MOTION to Dismiss First Amended Complaint <u>53</u> for hearing on 4/27/2009 at 10:00 AM. Attached is the Court's tentative order on the motion to dismiss, the parties may address this tentative order at the hearing. (jp) (Entered: 04/22/2009)
04/27/2009	<u>64</u>	MINUTES Motion to Dismiss First Amended Complaint filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC <u>53</u> Hearing held before Judge A. Howard Matz: Court previously circulated its tentative order and now hears oral argument. For reasons and findings stated on the record, the Court conditionally grants the motion to dismiss but will reserve issuing its order until after the defendants file and serve their entire file in this matter which must be done by not later than 4/30/2009. Court Reporter: Cindy Nirenberg. (jp) (Entered: 04/27/2009)
04/27/2009	<u>65</u>	OBJECTIONS to Court's Tentative Order filed by Plaintiff Jose L. Pineda. (jp) (Entered: 04/28/2009)
04/29/2009	<u>66</u>	DECLARATION of Leslie F. Vandale <i>following the April 27, 2009 hearing on Defendants' Motion to Dismiss</i> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Attachments: # <u>1</u> Exhibit A-1, # <u>2</u> Exhibit A-2, # <u>3</u> Exhibit A-3, # <u>4</u> Exhibit A-4, # <u>5</u> Exhibit A-5, # <u>6</u> Exhibit A-6, # <u>7</u> Exhibit A-7, # <u>8</u> Exhibit A-8, # <u>9</u> Exhibit A-9, # <u>10</u> Exhibit A-10, # <u>11</u> Exhibit A-11)(Vandale, Leslie) (Entered: 04/29/2009)
04/29/2009	<u>67</u>	DECLARATION of Myron Ravelo <i>following the April 27, 2009 hearing on Defendants' Motion to Dismiss</i> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Vandale, Leslie) (Entered: 04/29/2009)
04/30/2009	<u>68</u>	MINUTES IN CHAMBERS before Judge A. Howard Matz: The Court GRANTS MOTION to Dismiss First Amended Complaint <u>53</u> but has modified the findings in its tentative order in light of a declaration by an employee of ETS filed on 4/29/2009, which disclosed that ETS rescinded the Notice of Default on Plaintiffs home and has closed its file on Pinedas loan (see attached Minute Order for further details). For the foregoing reasons, Defendants motion to dismiss is GRANTED. (Made JS-6. Case Terminated.) (jp) (Entered: 05/01/2009)
05/04/2009	<u>69</u>	NOTICE of Entry of RULING, re: Minutes of In Chambers Order/Directive – no proceeding held, Terminated Case,,,, <u>68</u> , filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Attachments: # <u>1</u> Proposed Order Proposed Judgment)(Vandale, Leslie) (Entered: 05/04/2009)
05/14/2009	<u>70</u>	JUDGMENT by Judge A. Howard Matz, IT IS ORDERED, ADJUDGED AND DECREED that Plaintiff's Complaint is dismissed with prejudice. The Court orders that judgment is entered in favor of Defendants ETS Services, LLC, GMAC Mortgage, LLC against Plaintiff Jose L. Pineda. FURTHER ORDERED that Defendants GMAC Mortgage, LLC and ETS Services, LLC are awarded their costs incurred in this action. Related to: Notice of Entry of Decision or Ruling by a Judge of this Court <u>69</u> . (jp) (Entered: 05/14/2009)
05/15/2009	<u>71</u>	NOTICE of Entry of RULING, re: Minutes of In Chambers Order/Directive – no proceeding held, Terminated Case,,,, <u>68</u> , Judgment, <u>70</u> , filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Vandale, Leslie) (Entered: 05/15/2009)
06/26/2009	<u>72</u>	NOTICE OF MOTION AND MOTION for Relief from Judgment/Order of May 14, 2009 Pursuant to FRCP 60(b) and 60(d) filed by plaintiff Jose L. Pineda. Motion set for hearing on 7/27/2009 at 10:00 AM before Judge A. Howard Matz. (jp) (Entered: 06/29/2009)
06/26/2009	<u>73</u>	REQUEST FOR JUDICIAL NOTICE in support Rule 60(d) <u>72</u> filed by plaintiff Jose L. Pineda. (jp) (Entered: 06/29/2009)

07/13/2009	<u>74</u>	MEMORANDUM in Opposition to MOTION for Relief from from Judgment/Order of May 14, 2009 Pursuant to FRCP 60(b) and 60(d) <u>72</u> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC. (Vandale, Leslie) (Entered: 07/13/2009)
07/20/2009	<u>75</u>	REPLY in support of MOTION for Relief from from Judgment/Order of May 14, 2009 Pursuant to FRCP 60(b) and 60(d) <u>72</u> filed by Plaintiff Jose L. Pineda. (se) (Entered: 07/20/2009)
07/23/2009	<u>76</u>	MINUTES (IN CHAMBERS) by Judge A. Howard Matz: On the Court own motion, the Court hereby takes OFF-CALENDAR and UNDER SUBMISSION Plaintiff Motion for Relief from Judgment <u>72</u> . The parties will be notified if a hearing is necessary. (jp) (Entered: 07/24/2009)
07/28/2009	<u>77</u>	TRANSCRIPT for proceedings held on 4/27/09 10:00am. Court Reporter: Cindy Nirenberg, www.cindynirenberg.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 8/18/2009. Redacted Transcript Deadline set for 8/28/2009. Release of Transcript Restriction set for 10/26/2009. (Nirenberg, Cindy) (Entered: 07/28/2009)
08/04/2009	<u>78</u>	NOTICE OF FILING TRANSCRIPT filed for proceedings 4/27/09 10am (Nirenberg, Cindy) (Entered: 08/04/2009)
09/03/2009	<u>79</u>	MINUTES IN CHAMBERS before Judge A. Howard Matz: On June 26, 2009, Plaintiff filed a motion for relief from judgment pursuant to Federal Rule of Civil Procedure 60 <u>72</u> , which the Court took under submission on July 23, 2009. (See attached Minute Order for further information). The Court will hold a hearing on these issues on 9/18/2009 at 10:00 AM. Defendants lawyer must be fully informed about the facts and law governing this matter, and will be deemed to have the authority to bind his/her client[s]. (jp) (Entered: 09/04/2009)
09/04/2009	<u>80</u>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz re Minutes of In Chambers Order <u>79</u> : Motion for Relief From Judgment advanced to 9/17/2009 at 04:00 PM before Judge A. Howard Matz. (se) (Entered: 09/08/2009)
09/14/2009	<u>81</u>	Defendants GMAC Mortgage, LLC and ETS Services, LLC's Brief in Response to Court's Order re Plaintiff's Motion for Relief From Judgment re MOTION for Relief from from Judgment/Order of May 14, 2009 Pursuant to FRCP 60(b) and 60(d) <u>72</u> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC, Fidelity National Default Solutions, Does. (Vandale, Leslie) (Entered: 09/14/2009)
09/14/2009	<u>82</u>	DECLARATION of Juan Antonio Aguirre re Brief in Reply to Court Order MOTION for Relief from from Judgment/Order of May 14, 2009 Pursuant to FRCP 60(b) and 60(d) <u>72</u> filed by Defendants GMAC Mortgage, LLC, ETS Services, LLC, Fidelity National Default Solutions, Does. (Attachments: # <u>1</u> Declaration, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit)(Vandale, Leslie) (Entered: 09/14/2009)
09/14/2009	<u>83</u>	SUPPLEMENTAL BRIEFING Pursuant to Court's Order of September 3, 2009 filed by Plaintiff Jose L. Pineda. (jp) (Entered: 09/15/2009)
09/14/2009	<u>84</u>	OBJECTIONS to Appearance of Bias and Unfairness construed as MOTION TO DISQUALIFY JUDGE A. HOWARD MATZ filed by Plaintiff Jose L. Pineda. (jp) Modified on 9/16/2009 (rn). (Entered: 09/15/2009)
09/16/2009	<u>85</u>	REFERRAL OF MOTION to Disqualify Judge/Magistrate Judge has been filed. Pursuant to GO 08.05 and Local Rule 72-5 MOTION to DISQUALIFY <u>84</u> is referred to Judge Valerie Baker Fairbank for determination. (rn) (Entered: 09/16/2009)
09/16/2009	<u>86</u>	MINUTES (IN CHAMBERS): ORDER by Judge A. Howard Matz: vacating <u>84</u> Motion for Recusal. In light of the recent referral of the Motion to Disqualify Judge (docketed as OBJECTIONS to Appearance of Bias and Unfairness and construed as a motion to disqualify Judge A. Howard Matz), the Court vacates the hearing on plaintiff's MOTION For Relief From Judgment to be reset after a ruling on the pending motion to disqualify. (kbr) (Entered: 09/16/2009)

09/16/2009	<u>87</u>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz. Jose Pineda is a pro se plaintiff. Pursuant to the rules of this Court, Defendants must serve all documents on Plaintiff in hard-copy format. The Court will continue to serve Plaintiff by mail with documents in hard-copy format. However, for the sake of convenience to him, this Court will also serve copies of orders on Plaintiff electronically using the email address provided by Plaintiff (mrpinedaluis@gmail.com). (kbr) (Entered: 09/16/2009)
09/18/2009	<u>88</u>	MINUTES IN CHAMBERS by Judge A. Howard Matz: COURT ORDER DENYING MOTION to Disqualify <u>84</u> as Plaintiff has not shown that Judge Matz's impartiality might reasonably be questioned. Plaintiff fails to show that the alleged bias and partiality arose from an extrajudicial source. (See attached Minute Order for further information). (jp) (Entered: 09/21/2009)
09/25/2009	<u>89</u>	MINUTES OF IN CHAMBERS ORDER held before Judge A. Howard Matz re MOTION for Relief from from Judgment) <u>72</u> : Motion is continued to 10/26/2009 at 10:00 AM before Judge A. Howard Matz. (se) (Entered: 09/25/2009)
09/29/2009	<u>90</u>	OBJECTION TO AND NOTICE of the Making of a False Record of MOTION for Disqualification <u>84</u> ; Declaratioon of Jose L. Pineda in support of Objection and Notice filed by Plaintiff Jose L. Pineda. (jp) (Entered: 09/30/2009)
10/26/2009	<u>91</u>	MINUTES:Proceedings: Motion for Relief from Judgment <u>72</u> filed by Plaintiff before Judge A. Howard Matz: For the reasons and findings stated on the record, the Court GRANTS Plaintiff's Motion for Relief from Judgment and enjoins Defendants GMAC Mortgage 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 (see attached Minute Order for further information). 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. (Case reopened. MD JS-5.) Court Reporter: Cindy Nirenberg. (jp) (Entered: 10/27/2009)
12/01/2009	<u>92</u>	STIPULATION to Dismiss Case pursuant to FRCP 41(a)(1) filed by Defendant GMAC Mortgage, LLC.(Vandale, Leslie) (Entered: 12/01/2009)
12/28/2009	<u>93</u>	TRANSCRIPT for proceedings held on 10/26/09 10:00 am. Court Reporter: Cindy Nirenberg, www.cindynirenberg.com. Transcript may be viewed at the court public terminal or purchased through the Court Reporter before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter or PACER. Notice of Intent to Redact due within 7 days of this date. Redaction Request due 1/19/2010. Redacted Transcript Deadline set for 1/28/2010. Release of Transcript Restriction set for 3/28/2010. (Nirenberg, Cindy) (Entered: 12/28/2009)
12/28/2009	<u>94</u>	NOTICE OF FILING TRANSCRIPT filed for proceedings 10/26/09 10:00 am (Nirenberg, Cindy) (Entered: 12/28/2009)