

# RIVERSIDE SUPERIOR COURT

## PUBLIC ACCESS

### Minute Order

<b>Case Name:</b> MUSIAL V NATIONSTAR MORTGAGE LLC	
Mid-County Civil	Other-Non P/VPD/WD-Over \$25,000 (Southwest)
<b>Case Number:</b> MCC1900057	<b>File Date:</b> 1/16/2019
<b>Action Date:</b> 1/15/2020	<b>Action Time:</b> 8:30 AM
<b>Department:</b> S303	
<b>Action Description:</b> Hearing re: Motion for Summary Judgment on Complaint of MUSIAL by NATIONSTAR MORTGAGE LLC	
<p>Honorable Judge Raquel A Marquez, Presiding</p> <p>Clerk: A. Alvarado</p> <p>Court Reporter: R. Pilato</p> <p>LINDA MUSIAL represented by SEMNAR &amp; HARTMAN LLP - Babak "Bob" Semnar present.</p> <p>NATIONSTAR MORTGAGE LLC represented by TROUTMAN SANDERS LLP - Patrick J. Kane present.</p> <p>At 9:01, the following proceedings were held:</p> <p>Court has read and considered documents relating to this matter.</p> <p>Court's tentative is indicated/posted.</p> <p>There is request for oral argument.</p> <p>Court's tentative:</p> <p>DENY the motion for summary judgment--there are triable issues of fact as to whether defendant accurately and completely reported plaintiff's obligations to it in its response to the December 2018 ACVD and whether the failure to do so caused injury to plaintiff.</p> <p>Defense Counsel indicates Reply recently rejected.</p> <p>Court is in receipt of Defendant's Reply.</p> <p>Counsel Argue.</p> <p>Court's tentative is to consider Defendant's Reply.</p> <p>Court and counsel confer regarding trial readiness.</p> <p>Court and counsel confer regarding setting a Mandatory Settlement Conference.</p> <p>At 9:13 a.m., matter placed on second call.</p> <p>At 10:05 a.m., matter recalled.</p> <p>All parties previously present are again present.</p> <p>In chambers discussion held - off the record.</p> <p><b>*Off the record*</b></p> <p>Court makes the following orders:</p>	

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<p>Mandatory Settlement Conference set 01/21/20 at 10:00 Dept/Room S303</p> <p>Stat Count: Settlement Conference referral.</p> <p>Hearing re Jury Trial on 02/14/20 at 8:30 confirmed</p> <p>Matter taken under submission.</p> <p>Court subsequently rules on matter taken under submission on 01/15/20.</p> <p>The Court, having read and considered the submitted filed documents and having heard from counsel in open court, finds and orders as follows:</p> <p>-</p> <p>GRANT Defendant's request to consider the late reply. DENY the motion for summary judgment-there are triable issues of fact as to whether defendant accurately and completely reported plaintiff's obligations to it in its response to the December 2018 ACVD and whether the failure to do so caused injury to plaintiff. (Civ. Code Section 1785.25(a).) The court will not consider preemption argument, related to Civ. Code Section 1785.25(b), which was raised for the first time in the Reply.</p> <p>The motion is denied.</p> <p>Hearing held: Pre-disposition hearing.</p> <p>Court's ruling sent to LINDA MUSIAL, NATIONSTAR MORTGAGE LLC by mail on 01/15/20.</p> <p>Notice to be given by Clerk.</p> <p>Print Minute Order</p> <p>Print Minute Order</p>	