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8 Attorneys for Defendants,  
9 ONEWEST BANK, N.A., f/k/a ONEWEST BANK, FSB and DEUTSCHE  
10 BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF THE INDYMAC  
11 INDA MORTGAGE LOAN TRUST 2007-AR3, MORTGAGE PASS-  
12 THROUGH CERTIFICATES, SERIES 2007-AR3 UNDER THE POOLING  
13 AND SERVICING AGREEMENT DATED MAY 1, 2007

14 **UNITED STATE DISTRICT COURT**  
15 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

16 SILVIA BURLEY, et al.,

17 Plaintiff,

18 vs.

19 ONEWEST BANK, FSB, et al.,

20 Defendants.

21 DEUTSCHE BANK NATIONAL  
22 TRUST COMPANY,

23 Plaintiff,

24 vs.

25 SILVIA BURLEY, et al.,

26 Defendants.

Case No: 2:14-cv-01349-WBS-EFB

(Related Case No. 2:14-cv-01567-  
GEB-CKD)

Assigned to: Hon. William B. Shubb

**DEFENDANTS' RESPONSE TO  
THE COURT'S ORDER TO  
SHOW CAUSE**

**TO THE HONORABLE COURT AND TO ALL PARTIES AND  
THEIR ATTORNEYS OF RECORD:**

Defendants ONEWEST BANK, N.A., f/k/a ONEWEST BANK, FSB and  
DEUTSCHE BANK NATIONAL TRUST COMPANY, AS TRUSTEE OF THE  
INDYMAC INDA MORTGAGE LOAN TRUST 2007-AR3, MORTGAGE  
PASS-THROUGH CERTIFICATES, SERIES 2007-AR3 UNDER THE  
POOLING AND SERVICING AGREEMENT DATED MAY 1, 2007  
("Defendants") hereby respond to the Order to Show Cause issued by this Court  
on August 1, 2014, as follows:

On July 31, 2014, the Court issued an order requiring Defendants to show  
cause, in writing, by August 9, 2014, as to why Case No. 2:14-cv-01349-WBS-  
EFB entitled *Burley, et al., v. OneWest Bank, FSB, et al.* ("First Case") should not  
be remanded to San Joaquin County Superior Court for lack of subject matter  
jurisdiction and why Case No. 2:14-cv-01567-GEB-CKD entitled *Deutsche Bank  
Natl. Trust Co. v. Burley, et al.*, ("Second Case") should not be dismissed.

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1 Defendants respectfully submit that the First Case, which was originally  
2 filed in this Court, should be dismissed for lack of subject matter jurisdiction and  
3 the Second Case, which was removed by Silvia Burley, et al., from the  
4 Sacramento County Superior Court on July 2, 2014, should be remanded back to  
5 the Superior Court for further adjudication.

6 Respectfully submitted,

7 WRIGHT, FINLAY & ZAK, LLP

8  
9 Dated: August 5, 2014

By: /s/ Lukasz I. Wozniak

10 T. Robert Finlay, Esq.

Lukasz I. Wozniak, Esq.

11 Attorneys for Defendants,

12 ONEWEST BANK, N.A., f/k/a ONEWEST

BANK, FSB and DEUTSCHE BANK

13 NATIONAL TRUST COMPANY, AS

14 TRUSTEE OF THE INDYMAC INDA

MORTGAGE LOAN TRUST 2007-AR3,

15 MORTGAGE PASS-THROUGH

16 CERTIFICATES, SERIES 2007-AR3

17 UNDER THE POOLING AND

SERVICING AGREEMENT DATED

18 MAY 1, 2007  
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**PROOF OF SERVICE**

I, Margaret Augustyniak, declare as follows:

I am employed in the County of Orange, State of California. I am over the age of eighteen (18) and not a party to the within action. My business address is 4665 MacArthur Court, Suite 200, Newport Beach, California 92660. I am readily familiar with the practices of Wright, Finlay & Zak, LLP, for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence is deposited with the United States Postal Service the same day in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

On August 7, 2014, I served the within **DEFENDANTS' RESPONSE TO THE COURT'S ORDER TO SHOW CAUSE** on all interested parties in this action as follows:

☐ by placing ☐ the original ☒ a true copy thereof enclosed in sealed envelope(s) addressed as follows:

Gary R. Saunders, Esq  
Saunders Law Group, LTD.  
1891 California Avenue, Suite 102  
Corona, CA 92881  
(951) 272-9114  
**Attorney for Plaintiffs**  
**Silvia Burley and The California Valley Miwok Tribe**

☐ (BY MAIL SERVICE) I placed such envelope(s) for collection to be mailed on this date following ordinary business practices.

☐ (BY CERTIFIED MAIL SERVICE) I placed such envelope(s) for collection to be mailed on this date following ordinary business practices, via Certified Mail, Return Receipt Requested.

☐ (BY PERSONAL SERVICE) I caused personal delivery by ATTORNEY SERVICE of said document(s) to the offices of the addressee(s) as set forth on the attached service list.

☐ (BY FACSIMILE) The facsimile machine I used, with telephone no. (949) 477-9200, complied with California Rules of Court, Rule 2003, and no error was reported by the machine. Pursuant to California Rules of Court, Rule 2006(d), I

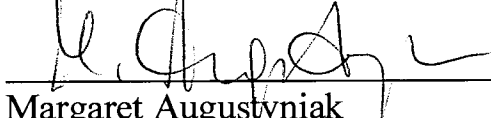
1 caused the machine to print a transmission record of the transmission, a copy of  
2 which is attached to the original Proof of Service.

3 [X] (BY NORCO OVERNITE - NEXT DAY DELIVERY) I placed true and correct  
4 copies thereof enclosed in a package designated by Norco Overnite with the  
5 delivery fees provided for.

6 [X] (CM/ECF Electronic Filing) I caused the above document(s) to be transmitted to the  
7 office(s) of the addressee(s) listed by electronic mail at the e-mail address(es) set  
8 forth above pursuant to Fed.R.Civ.P.5(b)(2)(E). "A Notice of Electronic Filing  
9 (NEF) is generated automatically by the ECF system upon completion of an  
10 electronic filing. The NEF, when e-mailed to the e-mail address of record in the  
11 case, shall constitute the proof of service as required by Fed.R.Civ.P.5(b)(2)(E). A  
12 copy of the NEF shall be attached to any document served in the traditional manner  
13 upon any party appearing pro se."

14 [X] (Federal) I declare under penalty of perjury under the laws of the United States of  
15 America that the foregoing is true and correct.

16 Executed on August 7, 2014, at Newport Beach, California.

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19 Margaret Augustyniak  
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