

DOCKET NO: FSTCV176032683S

SUPERIOR COURT

WELLS FARGO BANK,N.A.  
V.  
RICHARD, ERIC P Et AlJUDICIAL DISTRICT OF STAMFORD  
AT STAMFORD

12/3/2018

ORDERORDER REGARDING:  
12/03/2018 122.00 MOTION TO VACATE ORDER

No Counsel Present. No Parties Present.

The foregoing, having been considered by the Court, is hereby:

ORDER:

The plaintiff's Motion for Summary Judgment was assigned to the foreclosure short calendar on 11/5/2018 presided over by this court. On November 5, 2018 this court examined the defendant's Answer and noted in the Sixth Special Defense the issue of lack of standing was stated. Thus on 11/5/2018 this court determined that a hearing must be held on the issue of standing and assigned that hearing for 12/11/2018 ordering the defendant to file a Motion to Dismiss by 12/3/2018 addressing standing and lack of subject matter jurisdiction.

The defendant has elected not to file a written Motion to Dismiss by December 3, 2018. The court hereby converts the hearing scheduled for 12/11/2018 to a hearing on a sua sponte Motion to Strike the Sixth Special Defense since lack of standing must be raised by a Motion to Dismiss and not by a Special Defense. In addition the Motion to Vacate Order #122.00 will be heard on 12/11/2018. The hearing of 12/11/2018 will also be a discovery status conference. If the plaintiff has the ability to provide some or all of the requested documents on 12/11/2018, the status conference will involve discovery compliance. The court notes that the time for the plaintiff to formally respond to the 10/17/2018 Request for Production has not yet passed and will not have passed by 12/11/2018. Regardless of that fact, a discovery status conference will be held. The court requests, but does not order, that the plaintiff provide the original loan documents at that 12/11/2018 court hearing.

Judicial Notice (JDNO) was sent regarding this order.

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Judge: KEVIN TIERNEY  
Processed by: Amy Melashvili