

Rachel C. Witcher (SBN 286515)  
GHIDOTTI | BERGER, LLP  
1920 Old Tustin Avenue  
Santa Ana, CA 92705  
Tel: (949) 427-2010  
Fax: (949) 427-2732  
Email: rwitcher@ghidottiberger.com

Attorneys for *Defendants* **ROBIN P. ARKLEY, CEO; SN SERVICING CORPORATION; ANDY CECERE** (erroneously sued as “ANDY CECERE, CEO, as Trustee of the Bungalow Series IV Trust”); and **US BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF THE BUNGALOW SERIES IV TRUST** (erroneously sued as “US BANK TRUST NATIONAL ASSOCIATION”)

**UNITED STATES DISTRICT COURT**  
**EASTERN DISTRICT OF CALIFORNIA - SACRAMENTO DIVISION**

PAUL JOHN HANSEN; and T J HERBST  
TRUST 1, a Non-Statutory Trust,

Plaintiff,

vs.

ROBIN P. ARKLEY, CEO; SN  
SERVICING CORPORATION; ANDY  
CECERE, CEO, as Trustee of the  
Bungalow Series IV Trust; US BANK  
TRUST NATIONAL ASSOCIATION,

Defendants

CASE NO.: 2:20-CV-02436-KJM-CKD

**AMENDED NOTICE OF MOTION  
BY DEFENDANTS TO DISMISS  
PLAINTIFFS’ COMPLAINT**

**[Fed. R. Civ. P. 12(b)(6)]**

Date: April 28, 2021  
Time: 10:00 a.m.  
Ct rm: 24, 8th floor  
Judge: Hon. Carolyn K. Delaney  
Location: Robert T. Matsui Courthouse  
501 I Street  
Sacramento, CA 95814

Complaint Filed: December 9, 2020

**TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:**

**PLEASE TAKE NOTICE THAT** on April 28, 2021, at 10:00 a.m., or as soon thereafter as the matter may be heard before the Hon. Carolyn K. Delaney in Courtroom 24, 8th Floor, of the above-entitled Court, located at 501 I Street, Sacramento, CA 95814, Defendants, ROBIN P. ARKLEY, CEO; SN SERVICING CORPORATION; ANDY CECERE (erroneously sued as “ANDY CECERE, CEO, as Trustee of the Bungalow Series IV Trust”); and US BANK TRUST NATIONAL ASSOCIATION AS TRUSTEE OF THE BUNGALOW SERIES IV TRUST (erroneously sued as “US BANK TRUST NATIONAL ASSOCIATION”) (together, “Defendants”) will move this Court to dismiss the Complaint of Plaintiffs PAUL JOHN HANSEN; and T J HERBST TRUST 1, a Non-Statutory Trust (“Plaintiffs”), pursuant to Federal Rules of Civil Procedure Rule 12(b)(6) on the grounds that Plaintiff fails to state a claim upon which relief can be granted.

///

///

///

1 Defendants seek an order of the Court dismissing Plaintiff's Complaint,  
2 without leave to amend, pursuant to Fed. R. Civ. P. 12(b)(6). This motion will be  
3 based on this Amended Notice of Motion and the Motion, the Memorandum of Points  
4 and Authorities, and the Request for Judicial Notice previously filed on March 1,  
5 2021, the pleadings and records on file, and such other argument or evidence as may  
6 be presented to the Court at the hearing on the motion. As Plaintiffs are not  
7 represented by counsel, no meet and confer was required as set forth in the Court's  
8 Standing Order.

9  
10  
11 Date: March 22, 2021

GHIDOTTI | BERGER, LLP

12  
13 /s/ Rachel C. Witcher

14 Rachel C. Witcher

15 Attorneys for *Defendants* **ROBIN P.**

16 **ARKLEY, CEO; SN SERVICING**  
**CORPORATION; ANDY CECERE**

17 (erroneously sued as "ANDY CECERE,  
18 CEO, as Trustee of the Bungalow Series  
19 IV Trust"); and **US BANK TRUST**

20 **NATIONAL ASSOCIATION AS**  
21 **TRUSTEE OF THE BUNGALOW**  
22 **SERIES IV TRUST** (erroneously sued  
23 as "US BANK TRUST NATIONAL  
24 ASSOCIATION")  
25  
26  
27  
28