

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

QUICKEN LOANS INC., a Michigan corporation,  
Plaintiff,  
v.  
PRESTON DuFAUCHARD, in his capacity as Commissioner of the California Department of Corporations,  
Defendant.

2:03-cv-256-GEB-JFM  
ORDER

On May 22, 2006, the Ninth Circuit issued an opinion vacating in part, affirming in part, and remanding, the judgment that was entered in this action on May 13, 2004. See Quicken Loans, Inc. v. Wood, 449 F.3d 944 (9th Cir. 2006).

As to Count I of Plaintiff's First Amended Complaint, the Circuit found that California's per diem loan interest statutes are not preempted by the Depository Institutions Deregulation and Monetary Control Act (DIDMCA), and therefore vacated the judgment entered for Plaintiff by the Clerk of the Court on May 13, 2004. Id. at 947, 948, 954. In accordance with the Circuit's opinion, Count I is dismissed.

1 The Clerk of the Court is directed to enter judgment for Defendant on  
2 Count I.

3 As to Count II of the First Amended Complaint, the Circuit  
4 affirmed this Court's finding that California's per diem loan interest  
5 statutes "are not preempted by the [Alternative Mortgage Transaction]  
6 Parity Act." Id. at 947, 953, 954. Judgment was entered for  
7 Defendant on Count II on May 13, 2004.

8 As to Count III of the First Amended Complaint, the Circuit  
9 affirmed this Court's "dismissal of Plaintiff's as-applied federal  
10 takings claim for ripeness and [held] that any facial claim was  
11 waived." Id. at 947, 953, 954. Since judgment has not yet been  
12 entered for Defendant on Count III, the Clerk of the Court is directed  
13 to enter judgment for Defendant on Count III.

14 The Clerk of the Court is further directed to close this  
15 case.

16 IT IS SO ORDERED.

17 Dated: January 9, 2007

18  
19 GARLAND E. BURRELL, JR.  
20 United States District Judge  
21  
22  
23  
24  
25  
26  
27  
28