

S215990

**IN THE  
SUPREME COURT OF CALIFORNIA**

SUPREME COURT  
**FILED**

FANNIE MARIE GAINES,

JUL 11 2014

Plaintiff/Appellant and Petitioner,

Frank A. McGuire Clerk

vs.

Deputy

JOSHUA TORNBURG, et. al.

Defendants/Respondents.

---

AFTER A DECISION BY THE COURT OF APPEAL  
SECOND APPELLATE DISTRICT  
CASE NO. B244961  
Superior Court, Los Angeles County  
Case No. BC361 768  
The Honorable Rolf M. Treu, Judge

---

**OBJECTIONS OF APPELLANT FANNIE MARIE GAINES TO THE  
ANSWERING BRIEF OF RESPONDENTS LEHMAN BROTHERS HOLDINGS,  
INC. AND AURORA LOAN SERVICES, LLC ON THE MERITS**

---

**IVIE, McNEILL & WYATT**

W. Keith Wyatt, Esq.\* (Bar No. 80859)

wkwyatt@imwlaw.com

Antonio K. Kizzie, Esq. (Bar No. 279719)

AKizzie@imwlaw.com

444 South Flower Street, Suite 1800

Los Angeles, CA 90071

Telephone: (213) 489-0028

Facsimile: (213) 489-0552

*Attorneys for Plaintiff/Appellant and Petitioner  
FANNIE MARIE GAINES*

S215990

**IN THE  
SUPREME COURT OF CALIFORNIA**

---

FANNIE MARIE GAINES,

Plaintiff/Appellant and Petitioner,

vs.

JOSHUA TORNBERG, et. al.

Defendants/Respondents.

---

AFTER A DECISION BY THE COURT OF APPEAL  
SECOND APPELLATE DISTRICT  
CASE NO. B244961  
Superior Court, Los Angeles County  
Case No. BC361 768  
The Honorable Rolf M. Treu, Judge

---

**OBJECTIONS OF APPELLANT FANNIE MARIE GAINES TO THE  
ANSWERING BRIEF OF RESPONDENTS LEHMAN BROTHERS HOLDINGS,  
INC. AND AURORA LOAN SERVICES, LLC ON THE MERITS**

---

**IVIE, McNEILL & WYATT**  
W. Keith Wyatt, Esq.\* (Bar No. 80859)  
wkwyatt@imwlaw.com  
Antonio K. Kizzie, Esq. (Bar No. 279719)  
AKizzie@imwlaw.com  
444 South Flower Street, Suite 1800  
Los Angeles, CA 90071  
Telephone: (213) 489-0028  
Facsimile: (213) 489-0552

*Attorneys for Plaintiff/Appellant and Petitioner  
FANNIE MARIE GAINES*

**OBJECTIONS OF APPELLANT FANNIE MARIE GAINES TO THE ANSWERING BRIEF OF RESPONDENTS LEHMAN BROTHERS HOLDINGS, INC. AND AURORA LOAN SERVICES, LLC ON THE MERITS**

Appellant Fannie Marie Gaines hereby objects to the submission of the Answering Brief Of Respondents Lehman Brothers Holdings, Inc. And Aurora Loan Services, LLC On The Merits on the grounds that the brief is not timely filed pursuant to *California Rules of Court, Rule 8.212 (a)(2)*. Appellant received the answering brief of said respondents on July 8, 2014 after appellant had submitted her reply brief for filing with this Court. Appellant did not receive any request for an extension of time from said respondents as required by *Rule 8.60*. Appellant requests that the Court impose the sanctions authorized by *Rule 8.220(c)*.

Appellant notes that the brief filed by respondents makes several references to facts which are not a part of the record on appeal. If this Court considers the brief of respondents at all, this Court should disregard all references to facts which are not part of the record on appeal pursuant to *Protect Our Water v. County of Merced* (2003) 110 Cal.App.4th 362, 364.


Appellant also notes that respondents' numerous references to facts which are not part of the record on appeal are apparently intended to make and support arguments similar to those made by respondents Fidelity and Rybicki

that appellant was not actually harmed by the conduct of the defendants, and  
appellant has received more benefits than she deserved to begin with.

Date: July 9, 2014

Respectfully submitted,

**IVIE, McNEILL & WYATT**



W. KEITH WYATT

*Attorneys for Plaintiff and Appellant*  
*FANNIE MARIE GAINES*

**PROOF OF SERVICE BY MAIL - 1013(a)(3) 2015.5 C.C.P.**

STATE OF CALIFORNIA                     )  
  )  
COUNTY OF LOS ANGELES             )            ss.:

Case Name:   Fannie Marie Gaines vs. Joshua Tornberg, et. al.

Case No.:     Second Civil B244961

I, the undersigned, say: I am and was at all times herein mentioned, a citizen of the United States and a resident of the County of Los Angeles, State of California, over the age of eighteen (18) years and not a party to the within action or proceeding; that my business address is 444 S. Flower Street, Suite 1800, Los Angeles, CA 90071; that on July 9, 2014, I served on interested parties in said action the within OBJECTIONS OF APPELLANT FANNIE MARIE GAINES TO THE ANSWERING BRIEF OF RESPONDENTS LEHMAN BROTHERS HOLDINGS, INC. AND AURORA LOAN SERVICES, LLC ON THE MERITS in said action or proceeding by depositing a true copy thereof, enclosed in sealed envelopes with postage thereon fully prepaid, in the United States mail at Los Angeles, California, addressed as follows:

Clerk, California Supreme Court  
350 McAllister Street  
San Francisco, CA 94102-7303  
*(Via Federal Express, Original and 13 Copies)*

Clerk, California Court of Appeal Second Appellate District, Division Two 300 South Spring Street Floor Two, North Tower Los Angeles, CA 90013-1213	Clerk of the Superior Court 111 N. Hill Street Los Angeles, CA 90012-3014
---	---

Kevin Broersma, Esq.  
**FIDELITY NATIONAL LAW GROUP**  
915 Wilshire Blvd., Suite 2100  
Los Angeles, CA 90017

Substituted in as of 4/23/14  
Steven Ray Garcia, Esq.  
**GARCIA LEGAL**  
A Professional Corporation  
301 N. Lake Avenue, 7<sup>th</sup> Floor  
Pasadena, CA 91101  
(626) 577-7500  
[Steven@GarciaLegal.net](mailto:Steven@GarciaLegal.net)

A.J. Roop  
3424 E. Turney Avenue  
Phoenix, AZ 85018  
and

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

19475 N. Grayhawk #1089  
Scottsdale, AZ 85255

Craig Johnson  
6410 W. Maya Way  
Phoenix, AZ 85083

Craig Johnson  
Ray Management Group, Inc.  
6410 W. Maya Way  
Phoenix, AZ 85083

Joshua Tornberg  
26065 N. 68<sup>th</sup> Drive  
Peoria, AZ 85383

I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. It is deposited with the U.S. postal service on that 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 affidavit.

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct. Executed on July 9, 2014 at Los Angeles, California.

**M. CHRISTINA MUNOZ**

