

In the
Supreme Court of the United States

SANGEETA BHARGAVA,

Petitioner,

v.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC. (MERS),

Respondent.

On Petition for a Writ of Certiorari to the
Court of Appeal of the State of California, Sixth Appellate District

**SUPPLEMENTAL BRIEF TO
PETITION FOR WRIT OF CERTIORARI**

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SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF CERTIORARI

Petitioner submits this Supplement to her Petition for a Writ of Certiorari which she filed with this Supreme Court on October 9, 2020 and which was docketed on October 12, 2020. She does so pursuant to Rule 15. She submits this Supplement to emphasize to this Court a critical feature of this matter.

As the Court of Appeal decision reflects at footnote 2, a foreclosure sale of the property of 11860 Francemont Avenue, Los Altos Hills, CA 94022 has not occurred. Footnote 2 reads, “The trustee’s sale did not proceed on that date. By order dated November 2, 2016, the trial court denied Bhargava’s application for a preliminary injunction against Bank of America as moot, based on Bank of America’s representation that it would not hold a trustee’s sale while the action was pending.” [App 6a.] A copy of the trial court’s order denying the request for a preliminary injunction accompanies this supplemental.

Petitioner’s situation is thus having suffered a harm created by a pending non-judicial foreclosure of her home, but before a sale occurs. Petitioner falls into the netherworld created by the uncertainty of *Yvanova v. New Century Mortgage*, 62 Cal.4th 919 (2016).

On one hand there is *Saterbak v. JPMorgan Chase Bank, N.A.*, 245 Cal.App.4th 808 (2016) denying judicial standing, and access, until a non-judicial foreclosure sale is completed.

On the other hand, judicial standing, and access, prior to sale is permitted by *Lundy v. Selene Finance*,

LP 2016 WL 1059423 (N.D. 2016) and *Garfinkle v. Superior Court (Wells Fargo Bank)*(1978) 21 Cal.3d 268.

This submission in no way prejudices MERS. Petitioner believes that MERS would acknowledge this factual circumstance to be true.

The litigation is pending in the Santa Clara County Superior Court against the remaining defendant, Bank of America, N.A.. The case has not yet been set for trial as to BANA.

Respectfully submitted,

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NOVEMBER 13, 2020

**ORDER AFTER HEARING
OF THE SUPERIOR COURT OF CALIFORNIA
(NOVEMBER 1, 2016)**

**SUPERIOR COURT OF CALIFORNIA
COUNTY OF SANTA CLARA**

SANGEETA BHARGAVA,

Plaintiff,

v.

BANK OF AMERICA, NA, ET AL.,

Defendants.

Case No. 16-CV-295113

Before: The Hon. William J. ELFVING,
Judge of the Superior Court.

On November 1, 2016 in Department 3, Honorable William J. Elfving, Judge Presiding, there was a hearing on the Order to Show Cause Re: Preliminary Injunction by Plaintiff Sangeeta Bhargava. Having considered the papers on file and the arguments of counsel, the court rules as follows:

The Application for a Preliminary Injunction is DENIED. Plaintiff cannot show that she will suffer interim harm because there is no pending trustee's sale. Defendant Bank of America, NA. has represented

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that there will be no trustee's sale during the course of this litigation. The remedy that Plaintiff seeks is moot. The temporary restraining order is dissolved.

/s/ William J. Elfving
Judge of the Superior Court

November 1, 2016