

FILED

JAN 12 2009

GLENN BERMAN, JSC, Ch.

The Honorable Glenn Berman, J.S.C.
Middlesex County Courthouse
56 Paterson Street
New Brunswick, New Jersey 08903

Bank of New York Trustee for Equity One Inc.
Mortgage/Pass Through Certificate Series #2006-A

Plaintiff

v.

Francisco Brena, et al.

Defendant

SUPERIOR COURT OF NEW JERSEY
CHANCERY DIVISION
MIDDLESEX COUNTY
DOCKET NO. F-27578-08

ORDER

THIS MATTER having been opened to the Court by Notice of Motion by Mark J. Malone, Esq., Law Office of James F. Villere, Jr., Esq., attorneys for Defendants, Francisco Brena and Freya Gallegos, husband and wife, on a Motion to Dismiss the Complaint, and the Court having considered the submissions of the parties and for good cause shown;

IT IS on this 12th day of January, 2009;

ORDERED that the Motion for an Order dismissing the Complaint is DENIED WITHOUT PREJUDICE; and it is further

ORDERED Plaintiff within ten (10) days of this order shall supply Defendant:

- a. Proof that The Bank of New York as Trustee for Equity One Inc. Mortgage Pass-Through Certificate Series 2006-A is a bona fide trustee for the mortgage backed securities identified in the complaint's caption; and
- b. Names of people with relevant knowledge of issues raised in this Court's November 21, 2008 Order; and
- c. If depositions are conducted of persons set hereinabove, the transcript costs are to be paid by Plaintiff; and
- d. Plaintiff retains the right to apply for reimbursement of the above costs at final hearing; and it is further

ORDERED that a copy of this Order be served on all parties within 7 days.


Honorable Glenn Berman, J.S.C.