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

ANTONIO DEL VALLE, et al.,	)	No. CV-F-09-1316 OWW/DLB
)	
	)	MEMORANDUM DECISION AND
Plaintiffs,	)	ORDER GRANTING DEFENDANT
	)	JPMORGAN CHASE BANK'S EX
vs.	)	PARTE APPLICATION TO EXPUNGE
	)	LIS PENDENS (Doc. 46),
	)	VACATING JUDGMENT ENTERED ON
MORTGAGE BANK OF CALIFORNIA,	)	MAY 14, 2010 (Doc. 45),
et al.,	)	DISMISSING ACTION AGAINST
	)	ALL DEFENDANTS, AND
	)	DIRECTING CLERK OF COURT TO
Defendants.	)	ENTER JUDGMENT IN FAVOR OF
	)	ALL DEFENDANTS
)	

On May 26, 2010, Defendant JPMorgan Chase Bank ("JPMorgan") filed an ex parte application to expunge the lis pendens recorded on August 4, 2009 in the Kern County Recorder's Office as Instrument No. 0209113422 as to 11611 Peninsula Drive, Bakersfield, CA 93311, Assessor's Parcel Number 522-322-08-00-9. Plaintiffs have filed no objection to this application.

This action was dismissed against JPMorgan with prejudice by

1 Order filed on May 14, 2010 (Doc. 44):

2 IT IS HEREBY ORDERED that JPMORGAN'S Motion
3 to Dismiss PLAINTIFFS' First Amended
4 Complaint is GRANTED AND THAT THE ENTIRE
5 ACTION IS DISMISSED WITH PREJUDICE.

6 Judgment was entered on May 14, 2010.

7 However, the docket establishes that two other defendants,
8 Mortgage Bank of California and Quality Loan Service Corporation,
9 were served with process and have not appeared in this action,
10 making the Judgment entered on May 14, 2010 improper. By Order
11 filed on June 28, 2010, (Doc. 47), Plaintiffs' attorney was
12 ordered to file a status report within five court days concerning
13 the status of Mortgage Bank of California and Quality Loan
14 Service Corporation in this action and was advised:

15 Failure to timely comply will result in the
16 dismissal of this action against Mortgage
17 Bank and Quality Loan Service and the
18 granting of JPMorgan's ex parte application
19 to expunge lis pendens.

20 Plaintiffs' response was due by Tuesday, July 6, 2010. No
21 response has been filed.

22 Accordingly, it is ordered:

23 1. JPMorgan's ex parte application to expunge lis pendens
24 is GRANTED. the lis pendens recorded on August 4, 2009 in the
25 Kern County Recorder's Office as Instrument No. 0209113422 as to
26 11611 Peninsula Drive, Bakersfield CA 93311, Assessor's Parcel
No. 522-322-08-00-9 is EXPUNGED;

2. This action is DISMISSED against all Defendants;

3. The Judgment entered on May 14, 2010 is VACATED;

1 4. The Clerk of the Court is directed to ENTER JUDGMENT in
2 favor of all Defendants and against Plaintiffs.

3 IT IS SO ORDERED.

4 Dated: July 8, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE

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