

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

CHERYL M. GILGER,
Plaintiff,

vs.

MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, et al.,
Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS

Case No. 2:11-CV-253 TS

The Court has before it Defendants Mortgage Electronic Registration Systems, Inc., ReconTrust Company, N.A., and Bank of New York Mellon, N.A.'s (collectively, "Defendants") Motion to Dismiss Plaintiff's Complaint pursuant to Fed.R.Civ.P. 12(b)(6)¹ and Motion to Release Lis Pendens.² Also before the Court is Defendant Stuart Matheson's Motion to Join Defendants' Motions to Dismiss and Release Lis Pendens.³

Defendants contend that each of the causes of action alleged in the Complaint have been repeatedly rejected by this Court and rely upon meritless misinterpretations of case law and Utah

¹Docket No. 8.

²Docket No. 9.

³Docket No. 13.

statutes. The Court agrees. In fact, this Court recently rejected a complaint filed by Plaintiff's counsel in a separate matter which was nearly identical to the one presently before the Court.⁴ The Court finds no meaningful distinction between this cause of action and the numerous actions the Court has previously dismissed. As persuasively demonstrated by Defendants in their memoranda, this Court's prior orders are founded in well-established law. The Court finds no reason to depart from its prior holdings that these claims fail as a matter of law.

Because Plaintiff has failed to plead a claim upon which relief may be granted, it is therefore

ORDERED that Defendants' Motion to Dismiss (Docket No. 8) is GRANTED. The action is hereby DISMISSED WITH PREJUDICE. It is further

ORDERED that Defendants' Motion to Release Lis Pendens (Docket No. 9) is GRANTED. It is further

ORDERED that Defendant Stuart Matheson's Motion for Joinder (Docket No. 13) is GRANTED.

The hearing set for June 28, 2011 is STRICKEN. The Clerk of the Court is directed to close this case forthwith.

DATED June 17, 2011.

BY THE COURT:



TED STEWART
United States District Judge

⁴See *Norman v. Recontrust Co.*, 2:10-CV-118 TS (May 12, 2011).