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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE DISTRICT OF ARIZONA

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9 AOM Group, LLC, Trustee of Eagle Eye)
10 Land Trust, Felipe Gonzalez, Beneficiary,)

No. CV-10-00088-PHX-GMS

11 Plaintiff,

ORDER

12 vs.

13 Loancity, *et al.*,

14 Defendants.

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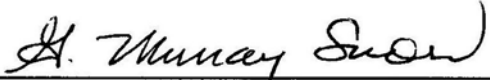
17 On August 17, 2010, Defendants Citimortgage, Inc. and Federal Home Loan
18 Mortgage Corp. filed a motion to alter or amend judgment or, in the alternative, motion to
19 enforce settlement agreement. (Doc. 21). Defendants also seek a release of the pending *lis*
20 *pendens*. Defendants contend that they reached a settlement agreement with Plaintiff, under
21 which the case would be dismissed with prejudice, each side to bear their own costs and fees,
22 and under which the *lis pendens* would be released. On June 23, 2010, the Court ordered
23 Plaintiff to show cause why this case should not be dismissed with prejudice. (Doc. 18).
24 After Plaintiff failed to show cause, the Court dismissed the case on June 20. (Doc. 19).
25 Considering the Ninth Circuit’s advice that courts consider less drastic sanctions, however,
26 the Court dismissed the case without prejudice, rather than with prejudice. (*Id.*) As the
27 parties have never formally filed a stipulation of dismissal or notice of settlement, the Court
28 finds it improper to dismiss the case with prejudice based on Defendants’ assertions alone.

1 Nonetheless, because this matter has been dismissed, the Court orders that the *lis pendens*
2 be released. The Court further authorizes Defendant to request an award of attorneys' fees
3 pursuant to Local Rule of Civil Procedure 54.2.

4 **IT IS THEREFORE ORDERED** that Defendants' Motion to Alter or Amend
5 Judgment or, In the Alternative, Motion to Enforce Settlement Agreement (Doc. 21) is
6 **DENIED.**

7 **IT IS FURTHER ORDERED** releasing the *lis pendens* recorded in the Maricopa
8 County Recorder's Office on November 25, 2009, #2009-1088270 regarding real property
9 described as 2015 N. 24th Place, Phoenix, Arizona 85008, more particularly described as:
10 Lot 12, of HEATHER BELLE, according to Book 39 of maps, page 47, records of Maricopa
11 County, Arizona.

12 DATED this 26th day of August, 2010.

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16 G. Murray Snow
17 United States District Judge
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