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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Andrea Kincaid,

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No. CV-10-579-PHX-DGC

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Plaintiff,

)

ORDER

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vs.

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Wells Fargo Bank, N.A.; and Federal
Home Loan Mortgage Corp.,

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Defendants.

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Plaintiff commenced this action by filing a state court complaint against Defendants on February 17, 2010. Dkt. #1 at 10-20. The case was removed to this Court on March 15, 2010. *Id.* at 1-5.

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Defendant Wells Fargo Bank has filed a motion to dismiss counts one through six of the complaint. Dkt. #15. Plaintiff, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure (Dkt. #18), has filed an amended complaint (Dkt. #17). Wells Fargo Bank has filed an answer (Dkt. #22) and a motion to dismiss counts one through four of the amended complaint (Dkt. #21).

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IT IS THEREFORE ORDERED that Defendant Wells Fargo Bank, N.A.'s motion to dismiss counts one through six of the original complaint (Dkt. #15) is **denied** as moot.

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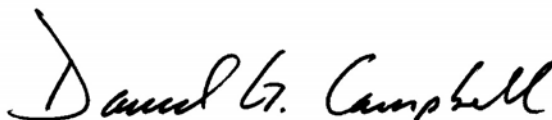
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DATED this 24th day of May, 2010.

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David G. Campbell
United States District Judge