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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

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Juan Batres, et al.,

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No. CV 10-1276-PHX-JAT

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Plaintiffs,

)

ORDER

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vs.

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(1)Homecomings Financial LLC

)

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(2)Aurora Loan Services LLC

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(3)Mortgage Electronic Registrations

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Systems, Inc.

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(4) Does.

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Defendants.

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On October 13, 2010, the Plaintiffs moved to dismiss their case without prejudice

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(Doc. 19). Because a Summary Judgment Motion (Doc. 11) had been filed, Plaintiffs needed

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an order from the Court or stipulation of the Defendants to obtain a dismissal. F.R.Civ.P.

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41(a). Defendant Homecomings Financial LLC stipulated to dismissal without prejudice

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(Doc. 20), and the Court accordingly granted dismissal without prejudice as to that Defendant

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(Doc. 21).

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At the Rule 16 Conference on November 1, 2010 (Doc. 22), the Court asked the

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remaining Defendants, Aurora Loan Services LLC and Mortgage Electronic Registrations

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Systems, Inc. (MERS), if they would consent to dismissal without prejudice. The remaining

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Defendants indicated that they would not accept a dismissal without prejudice, and Plaintiffs

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1 indicated they did not want a dismissal with prejudice. The Court therefore entered a
2 Scheduling Order. (Doc. 23.)

3 On November 9, 2010, Plaintiffs filed a Notice of Dismissal With Prejudice (Doc. 24)
4 as to Defendants Aurora Loan Services and MERS. Plaintiffs have indicated that they now
5 are willing to have their claims against Aurora and MERS dismissed with prejudice. The
6 only objection to dismissal voiced by the remaining Defendants at the Rule 16 Scheduling
7 Conference was the lack of prejudice. Because Plaintiffs have now consented to dismissal
8 with prejudice, the Court sees no reason not to grant that request.

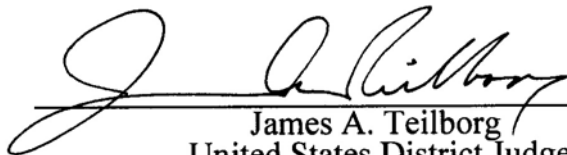
9 Accordingly,

10 **IT IS ORDERED** Granting the Motion to Dismiss Party Defendants Aurora Loan
11 Services LLC and MERS (Doc. 24).

12 **IT IS FURTHER ORDERED** Dismissing with prejudice Plaintiffs' claims against
13 Defendants Aurora Loan Services LLC and MERS. This action therefore is dismissed in its
14 entirety.

15 **IT IS FURTHER ORDERED** Denying all other pending motions as moot.

16 DATED this 9th day of November, 2010.

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20 James A. Teilborg
21 United States District Judge
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