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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

Coretta Cantley,
Plaintiff,
vs.
BAC Home Loans Servicing LP;
MERSORP Inc.; Mortgage Electronic
Registration Systems Inc.; ReconTrust
Company NA,
Defendants.

) CV 11-00669-PHX-FJM

) **ORDER**

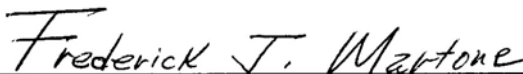
The court has before it defendants' motion to expunge the lis pendens (doc. 25). Plaintiff did not respond, and the time for responding has expired.

Plaintiff filed this action alleging violations of several federal laws, including the Fair Debt Collection Practices Act and the Truth in Lending Act. On April 6, 2011, plaintiff filed a Notice of Lis Pendens for her property in Tolleson, Arizona with this court (doc. 2), which was recorded with the Maricopa County Recorder. Plaintiff filed a motion to voluntarily dismiss her case in August 2011 (doc. 23). We dismissed the action in its entirety a few days later, noting that plaintiff may dismiss her action without a court order pursuant to Rule 41(a)(1)(A), Fed. R. Civ. P. (doc. 24). Defendants now seek an order expunging the lis pendens, noting that plaintiff has not provided a release of the lis pendens pursuant to A.R.S. § 12-1191(C).

1 Arizona law requires a plaintiff to issue a release of the notice of lis pendens to the
2 defendant within thirty days after an action is dismissed for lack of prosecution. Id.
3 Defendants state that plaintiff has not granted the required release, and more than four
4 months have elapsed since plaintiff voluntarily dismissed this action. We agree that at this
5 point expungement of the lis pendens is appropriate. Alternatively, because plaintiff failed
6 to respond to the motion, we may construe the lack of a response as a concession and grant
7 the motion summarily. See LRCiv 7.2(i) ("if the unrepresented party. . . does not serve and
8 file the required answering memoranda. . . such non-compliance may be deemed a consent
9 to the denial or granting of the motion and the Court may dispose of the motion summarily").

10 **IT IS ORDERED GRANTING** defendants' motion to expunge the lis pendens (doc.
11 25). **IT IS ORDERED** that the lis pendens pertaining to real property located in Maricopa
12 County at 9371 W. Williams Street in Tolleson, Arizona and recorded at docket
13 20110295183 is **EXPUNGED**.

14 DATED this 17th day of January, 2012.

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 Frederick J. Martone
18 United States District Judge
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