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

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9 Jeremy and Valerie Faulkner,  
10  
11 Plaintiffs,

No. CV11-1070-PHX-DGC

12 vs.

**ORDER**

13 Bank of New York Mellon f/k/a Bank of  
14 New York, et al.,

15 Defendants.

16 Defendants Bank of New York Mellon, First Tennessee Bank National  
17 Association, and Metlife Bank, N.A. (collectively "Moving Defendants") move to  
18 dismiss the amended complaint. Docs. 11, 13. Plaintiffs filed a response pursuant to  
19 order of this Court, and moved to dismiss their claims against Moving Defendants  
20 without prejudice. Doc. 15. Good cause appearing, Moving Defendants' motion to  
21 dismiss will be granted, the claims against Moving Defendants are dismissed without  
22 prejudice, and Moving Defendants are terminated from this action.

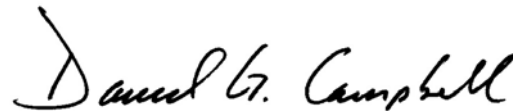
23 The only remaining Defendant -- Quality Loan Service Corporation ("QLS") -- has  
24 not appeared in this case, and proof of service is not readily apparent from the docket.  
25 Rule 4(m) of the Federal Rules of Civil Procedure requires service of the complaint and  
26 summons on each defendant within 120 days of filing. The complaint here was filed on  
27 May 27, 2011, and an amended complaint was filed on June 27, 2011. By  
28 **October 26, 2011**, Plaintiffs shall file proof of service on QLS. If Plaintiffs fail to serve

1 QLS within the 120-day time period, this action will be terminated without further order  
2 of the Court.

3 **IT IS ORDERED:**

- 4 1. Moving Defendants' motion to dismiss (Doc. 11) is **granted** as stated  
5 above.
- 6 2. Moving Defendants' motion for summary disposition (Doc. 13) is **denied**  
7 **as moot**.
- 8 3. The Clerk shall terminate all defendants **except** Quality Loan Service  
9 Corporation, which has not appeared in this case.
- 10 4. By **October 26, 2011**, Plaintiffs shall file proof of service on QLS . The  
11 Clerk shall terminate this action without further order of the Court if  
12 Plaintiffs fail to comply.

13 Dated this 25th day of August, 2011.

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David G. Campbell  
18 United States District Judge