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IN THE UNITED STATES DISTRICT COURT

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FOR THE DISTRICT OF ARIZONA

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Vicky S. Benson,

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No. CV 12-01693-PHX-FJM

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Plaintiff,

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ORDER

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vs.

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Daren W. Jantz et al,

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Defendants.

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The court has before it defendants Craddock Davis & Krause LLP, and Susan P.

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Crawford's (collectively referred to as "Trustees") motion to dismiss for failure to state a

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claim (doc. 12). Plaintiff did not respond to the motion and the time for doing so has expired.

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See LRCiv 7.2(c). Plaintiff's failure to respond to the motion to dismiss may be deemed a

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consent to the granting of the motion and we may dispose of the motion summarily. LRCiv

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7.2(i). We grant Trustees' motion to dismiss on this basis. Moreover, we conclude that

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Trustees are entitled to dismissal under A.R.S. § 33-807(E), which provides:

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The trustee need only be joined as a party in legal actions pertaining to a

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breach of the trustee's obligation under this chapter or under the deed of trust

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. . . . If the trustee is joined as a party in any other action, the trustee is entitled

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Here, plaintiff has not alleged any violations of Trustees' obligations under the Deed of Trust

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or the statutes governing deeds of trust. Therefore, we dismiss defendants Craddock Davis

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& Krause LLP, and Susan P. Crawford from this action pursuant to A.R.S. § 33-807(E).

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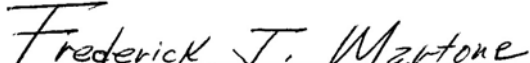
IT IS ORDERED GRANTING defendants' motion to dismiss (doc. 12).

After review of the file, the court notes that the complaint in this matter was filed on August 9, 2012, and has not been served upon the remaining defendants pursuant to Rule 4(m), Federal Rules of Civil Procedure.

Plaintiff is notified that this matter will be dismissed for lack of prosecution within ten days of the docketing of this order as to all remaining defendants unless plaintiff shows good cause before that date for failure to serve the summons and complaint.

We urge plaintiff to seek the advice of counsel. If she does not have a lawyer, she may wish to call the Lawyer Referral Service of the Maricopa Bar Association at 602-257-4434.

DATED this 7th day of January, 2013.



Frederick J. Martone
United States District Judge