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

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9 Anthony J. Kuc, Jr.,) CV 12-08024-PCT-FJM

10 Plaintiff,) **ORDER**

11 vs.)

12)

13 Bank of America, NA, successor by
14 merger to BAC Home Loans Servicing LP;
15 Bank of America Corp., successor in
16 interest to Countrywide Bank; Saxon
17 Mortgage Services, Inc.; Old Republic
18 National Title Insurance Co.; Mortgage
19 Electronic Registration Systems Inc.)
20 ("MERS"),)

21 Defendants.)

22)

23 The court has before it defendants Bank of America, N.A., Bank of America Corp.,
24 and MERS's motion to expunge lis pendens (doc. 31). Plaintiff did not respond, and the time
25 for responding has expired.

26 Plaintiff recorded a Notice of Lis Pendens regarding this action on January 19, 2012.
27 Mot. to Expunge, ex. A. After our order dismissing the complaint, the Clerk entered
28 judgment in favor of defendants on April 16, 2012 (doc. 22). Moving defendants seek an
order expunging the *lis pendens*, as plaintiff has not recorded a release. Because plaintiff did
not respond, we construe the lack of a response as a concession and grant the motion
summarily. See LRCiv 7.2(i) ("if the unrepresented party. . . does not serve and file the
required answering memoranda. . . such non-compliance may be deemed a consent to the

1 denial or granting of the motion and the Court may dispose of the motion summarily").
2 Moreover, once the complaint was dismissed, there is no basis for maintaining a *lis pendens*
3 that references this action. See Vollmer v. Present, CV-10-1182-PHX-MHM, 2011 WL
4 1379220, at *1 (D. Ariz. Apr. 12, 2011) (granting motion to quash *lis pendens* after action
5 was dismissed).

6 **IT IS ORDERED GRANTING** Bank of America, N.A., Bank of America Corp., and
7 MERS's motion to expunge *lis pendens* (doc. 31). **IT IS ORDERED** that the *lis pendens*
8 pertaining to real property located in Mohave County at 5804 Kingman Reef Lane in
9 Kingman, Arizona and recorded at docket 2012002538 is **EXPUNGED**.

10 DATED this 22nd day of August, 2012.

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 Frederick J. Martone
United States District Judge

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