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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Link 5/ JS-6

CIVIL MINUTES - GENERAL

Case No.	CV 09-7683 PSG (FFMx)	Date	December 23, 2009
Title	Roberto Ruiz v. Chase Manhattan Mortgage Corporation <i>et al.</i>		

Present: The Honorable Philip S. Gutierrez, United States District Judge

Wendy K. Hernandez	Not Present	n/a
Deputy Clerk	Court Reporter	Tape No.

Attorneys Present for Plaintiff(s):

Attorneys Present for Defendant(s):

Not Present

Not Present

Proceedings: (In Chambers) Order GRANTING Defendants' Motion to Dismiss

On September 9, 2009, Plaintiff Roberto Ruiz ("Plaintiff") filed this suit against Defendants Chase Manhattan Mortgage Corporation and Mortgage Electronic Registration Systems, Inc. ("MERS"), erroneously sued as Mortgage Electronic Registration Systems. Plaintiff's First Amended Complaint purports to assert claims for declaratory relief, fraud, unconscionability, breach of good faith covenant, an accounting, and an injunction.

On October 29, 2009, MERS and Chase Home Finance LLC ("Chase"), as successor by merger to Chase Manhattan Mortgage Corporation (collectively, "Defendants"), brought this Motion to Dismiss Plaintiff's First Amended Complaint ("Motion"), seeking to have all claims against Defendants dismissed with prejudice. Under Local Rule 7-9, Plaintiff was required to file and serve an opposition to the Motion by December 21, 2009. Plaintiff did not file an opposition by that date. Pursuant to Local Rule 7-12, the Court deems Plaintiff's failure to file a timely opposition to be consent to the granting of Defendants' Motion. *See* L.R. 7-12. Accordingly, the Court grants Defendants' Motion To Dismiss Plaintiff's First Amended Complaint.

Based on the foregoing, this Court:

1. GRANTS Defendant Chase's and Defendant MERS's Motion to Dismiss Plaintiff's First Amended Complaint, and
2. dismisses this case with prejudice.

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IT IS SO ORDERED.