

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	CV 10-1074 CAS (AGR _x)	Date	June 14, 2010
Title	MICHAEL EDWARDS; ET AL. v. FINANCE WEST MORTGAGE, INC.; ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER		
CATHERINE JEANG	LAURA ELIAS	N/A	
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorneys Present for Plaintiffs:		Attorneys Present for Defendants:	
Marlend Garrett		Edward Buell, III	
Darlene Simmons, pro se, not present		Matthew Duarte	

Proceedings: **DEFENDANT HOMECOMINGS FINANCIAL, LLC’S MOTION TO DISMISS PLAINTIFF’S COMPLAINT** (filed 04/26/10)

DEFENDANT AURORA LOAN SERVICES, LLC’S MOTION TO DISMISS PURSUANT TO RULE 12(b)(6) (filed 05/11/10)

On February 3, 2010, plaintiffs Michael Edwards (“Edwards”) and Darlene Simmons (“Simmons”) filed the instant action against Finance West Mortgage Inc.; Homecomings Financial, LLC (“Homecoming Financial”); HSBC USA; National Association; Aurora Loan Services, LLC (“Aurora”), erroneously sued as Aurora Loan Servicing LLC; and Does 1 through 10, for claims arising out of the mortgage loan obtained on their primary residence located at 1230 Emily Drive, Hemet, California 92545 (the “Subject Property”).

On April 26, 2010 and May 12, 2010, defendants Homecoming Financial and Aurora filed the instant motions to dismiss for failure to state a claim for relief. Plaintiffs failed to file an opposition. A hearing was held on June 14, 2010. After carefully considering the arguments set forth by both parties, the Court finds and concludes as follows.

Because plaintiffs have failed to timely respond to the motions to dismiss, the Court GRANTS defendants Homecoming Financial and Aurora’s motions to dismiss

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without prejudice, and dismisses the remaining defendants for lack of prosecution without prejudice. Plaintiffs shall file an amended complaint within thirty (30) days after the filing of this order. Plaintiffs are admonished that in the event that they do not amend their complaint within thirty (30) days, the Court will dismiss this action with prejudice. Counsel for Edwards is ordered to direct Edwards to notify Simmons of this Court imposed timeline.

IT IS SO ORDERED.

Initials of Preparer 00 : 05
CMJ