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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

Link #13

CIVIL MINUTES - GENERAL

Case No.	CV 10-3195 PSG (Ex)	Date	July 6, 2010
Title	Paul Case v. U.S. Bank National Association <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

Before the Court is Defendant U.S. Bank National Association's, Defendant DSL Service Company's, and Defendant FCI Lender Services, Inc.'s motion to dismiss Plaintiff's complaint. The Court finds the matter appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78; L.R. 7-15. Having considered the papers submitted in support of the motion, the Court GRANTS the motion.

On April 20, 2010, Plaintiff Paul Case ("Plaintiff") filed this action against Defendants U.S. Bank National Association ("U.S. Bank"), DSL Service Company ("DSL"), FCI Lender Services ("FCI"), Option Funding Inc., Keith D. Jacobson, and William Cardena. The complaint asserts seventeen causes of action—including claims for violations of the Truth in Lending Act, the Real Estate Settlement Procedures Act, and Cal. Bus. & Prof. Code § 17200—based on allegations that the defendants have improperly proceeded to foreclose on real property securing a loan made to Plaintiff in August 2006.

On May 12, 2010, Defendants U.S. Bank, DSL, and FCI (collectively, "Defendants") brought the present motion ("Motion"), seeking to have all claims against them dismissed. Under Local Rule 7-9, Plaintiff was required to file and serve an opposition to the Motion by June 21, 2010. 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 the Motion. *See* L.R. 7-12. The Court therefore grants the Motion.

For the foregoing reasons, the Court GRANTS Defendant U.S. Bank's, Defendant DSL's, and Defendant FCI's motion to dismiss Plaintiff's complaint. Accordingly, the Court dismisses

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all claims against Defendants with leave to amend by **July 27, 2010**. Failure to amend by that date will result in dismissal of those claims with prejudice.

IT IS SO ORDERED.