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JS-6

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

DESARROLLADORA EL ARCA,
S.A.P.I. DE C.V., a Mexican
corporation,

Plaintiff,

v.

JEFFREY LYNN SMITH, an
individual; and DOES 1 through 10,
Inclusive,

Defendants.

CASE NO. *CV10-3889 R (VBKx)*
(Hon. Judge Manuel Real)

**ORDER GRANTING
DEFENDANT JEFFREY LYNN
SMITH'S MOTION TO DISMISS
FIRST AMENDED COMPLAINT
PURSUANT TO FRCP 12(b)(6)**


1 Defendant Jeffrey Lynn Smith's Motion to Dismiss the First Amended
2 Complaint of Plaintiff Desarrolladora El Arca, S.A.P.I. DE C.V ("Plaintiff"),
3 pursuant to Federal Rule of Civil Procedure 12(b)(6), came on regularly for
4 hearing on November 15, 2010, at 10:00 a.m., in the above entitled Court. Thomas
5 Snyder, Esq. of Sheppard Mullin Richter & Hampton LLP appeared on behalf of
6 Plaintiff, and David R. Shraga, Esq., of Iaffaldano Shaw & Young LLP appeared
7 on behalf of Defendant.

8 The Court, having read and considered the papers and arguments submitted
9 by the parties and finding good cause therefor, hereby orders that Defendant's
10 Motion to Dismiss the first and only cause of action for fraud set forth in the First
11 Amended Complaint is hereby GRANTED for the reasons stated on the record.

12 The Court ORDERS that the First Amended Complaint is hereby dismissed
13 with prejudice, and ORDERS further that leave to amend is denied for failure to
14 cure the deficiencies by the amendment previously allowed and futility of
15 amendment, as stated on the record.

16 **IT IS SO ORDERED.**

17
18 DATED: November 17, 2010



HON. MANUEL L. REAL
JUDGE OF THE UNITED STATES DISTRICT
COURT OF THE CENTRAL DISTRICT OF
CALIFORNIA