

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

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**CIVIL MINUTES - GENERAL**

Case No.	CV 10-8834 CAS (SHx)	Date	March 7, 2011
Title	THEODORE KYRIAZIS v. INDYMAC MORTGAGE SERVICES, ETC.; ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER
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CATHERINE JEANG	LAURA ELIAS	N/A
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Deputy Clerk	Court Reporter / Recorder	Tape No.
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Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:
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Not Present	William Partridge
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**Proceedings:**      **DEFENDANT FEDERAL HOME LOAN MORTGAGE CORPORATION'S MOTION TO DISMISS** (filed 03/07/11)

On October 6, 2010, plaintiff Theodore Kyriazis filed suit in the Los Angeles County Superior Court against Indymac Mortgage Services, a division of OneWest Bank, FSB, Federal Home Loan Mortgage Lenders, Cal-Western Reconveyance Corp., "Freddie Mac," Federal Home Loan Mortgage Lenders Corp., a U.S. government-operated entity, and Does 1-10, inclusive (collectively, "defendants"). Plaintiff's complaint advances seven claims for relief, styled as: (1) declaratory relief; (2) temporary restraining order and injunctive relief; (3) unfair business practice; (4) no valid contract exists; (5) no privity of contract exists; (6) modification of contract; and (7) accounting.

On November 17, 2010, defendant Federal Home Loan Mortgage Corporation ("Freddie Mac") removed the action to this Court, pursuant to 28 U.S.C. §§ 1331, 1442, and 12 U.S.C. § 1452(f). On November 19, 2010, Cal-Western Reconveyance Corp. filed a declaration of non-monetary status, pursuant to California Civil Code § 2924l. See Dkt. No. 4.

On December 7, 2010, Freddie Mac filed a motion to dismiss. Plaintiff has not filed an opposition to the motion. The Court held a hearing on March 7, 2011, to which plaintiff did not appear.

The Court finds that no good reason has been provided for the failure to oppose defendants' motion. Pursuant to Local Rule 7-12, plaintiffs' failure to oppose this motion may be deemed by the Court as consent to the granting of this motion. Therefore, the Court GRANTS Freddie Mac's motion to dismiss without prejudice. Plaintiff shall file an

