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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV11-02507-AHM (RZx)	Date	September 12, 2011
Title	FELICE CRESCENZO v. WELLS FARGO BANK NA, et al.		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes	Cindy Nirenberg	
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	

Proceedings: AMENDED MOTION TO DISMISS [27] (non-evidentiary)

Court hears oral argument. For reasons and findings stated on the record, the Court grants in part and denies in part the amended motion to dismiss.

The following causes of action are dismissed with leave to amend: (1) breach of contract; (2) wrongful foreclosure under Cal. Civil Code § 2932.5; (3) wrongful foreclosure under Cal. Civil Code § 2924g; (4) quiet title; (5) cancellation of trustee’s deed; and (6) slander of title.

Plaintiff’s claims under TILA for damages are hereby dismissed with prejudice.

The Court denies the motion to dismiss as to the following causes of action: (1) claims for rescission under TILA; (2) declaratory relief; (3) Plaintiff’s ninth and tenth causes of action for violation of California’s Unfair Competition Law (unlawful and unfair prongs).

Plaintiff, on his volition, orally agreed to dismiss his tenth cause of action as it relates to violation of the fraud prong of California’s Unfair Competition Law.

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Any second amended complaint¹ must be filed by not later than October 3, 2011.

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¹ Amended complaints must be manually filed at the Civil Intake window, located at the United States District Court, 312 N. Spring Street, Los Angeles, California 90012.

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