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NOTE: CHANGES MADE BY THE COURT

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA – SOUTHERN DIVISION**

NANCY AGUILAR,

Plaintiff,

vs.

Case No.: SACV08-1332 AHS (JWJx)
Hon. Alicemarie H. Stotler
Courtroom 10A – Santa Ana
Complaint filed: October 21, 2008

NDEX WEST, LLC; AMERICA’S
SERVICING COMPANY; and DOES
1-50, inclusive,

Defendants.

JUDGMENT

The motions of Defendant WELLS FARGO BANK, N.A. dba AMERICA’S
SERVICING COMPANY to dismiss Plaintiff Nancy Aguilar’s complaint pursuant
to Federal Rule of Civil Procedure 12(b)(6) and 12(e) for failure to state a claim
upon which relief can be granted and to expunge lis pendens were set to be heard
on February 9, 2009. The Court found the matters suitable for ruling without oral
argument.

There having been no opposition to defendants’ motion, as more fully set
forth in the Court’s order dated January 30, 2009,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the
motion to dismiss is granted. Plaintiff’s complaint is dismissed as to Wells Fargo
Bank, N.A. dba America’s Servicing Company without prejudice. Plaintiff is to

1 recover nothing from the Wells Fargo Bank, N.A. dba America's Servicing
2 Company.

3 **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that the
4 motion to expunge lis pendens is granted. The Notice of Pendency of Action (Lis
5 Pendens) recorded on October 23, 2008 in the Official Records of the Orange
6 County Recorder's Office as Instrument Number 2008000489341 is hereby
7 expunged.

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10 DATED: March 06, 2009

ALICEMARIE H. STOTLER

HONORABLE ALICEMARIE H. STOTLER

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