

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No. SACV 15-00862 JVS (DFMx) Date July 1, 2015

Title De Casas v. Caliber Home Loans, Inc.

Present: The Honorable James V. Selna

Karla J. Tunis

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS)

Order Denying as Moot Defendants' Motion to Dismiss

On June 9, 2015, Defendants Caliber Home Loans, Inc. and U.S. Bank Trust, N.A. (collectively, "Defendants") moved to dismiss the Complaint filed by Plaintiffs Peter De Casas and Franchesca De Casas (collectively, "Plaintiffs") pursuant to Federal Rule of Civil Procedure 12(b)(6). (Docket ("Dkt.") No. 7.) Subsequent to the filing of the motion to dismiss, Plaintiffs filed a First Amended Complaint ("FAC") on June 30, 2015, which superseded Plaintiffs' original Complaint. (FAC, Dkt. No. 15.) "A party may amend its pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1).

Because Plaintiffs' FAC was filed within 21 days after service of a Rule 12(b)(6) motion, Defendants' motion to dismiss is **DENIED AS MOOT**. The Court further finds that oral argument would not be helpful on this matter and vacates the July 13, 2015 hearing. Fed. R. Civ. P. 78; L.R. 7-15.

IT IS SO ORDERED.

Initials of Preparer

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