

1 UNITED STATES DISTRICT COURT

2 EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

3
4 ELVIN and PHYLLIS VALENZUELA,
5 individually and on behalf of themselves and all
6 others similarly situated,

7 Plaintiffs,

8 vs.

9 AMERICAN HOME MORTGAGE
10 INVESTMENT TRUST 2005-2, AMERICAN
11 HOME MORTGAGE SECURITIES LLC,
12 WELLS FARGO BANK, N.A., DEUTSCHE
BANK NATIONAL TRUST COMPANY and
DOES 1 through 10, inclusive,

13 Defendants.

Case No.: 1:08-cv-01179-OWW-SMS

**ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS PLAINTIFFS'
FIFTH AND SIXTH CAUSES OF
ACTION WITHOUT LEAVE TO
AMEND**Courtroom: 3
Judge: Oliver W. Wanger
Complaint Filed: August 12, 2008
Trial Date: Not Set

14 The motion of defendants Wells Fargo Bank, N.A., Deutsche Bank National Trust
15 Company (“Deutsche Bank”), and American Home Mortgage Investment Trust 2005-2 (“AHMI
16 Trust,” collectively, “Defendants”) to dismiss the fifth and sixth causes of action in plaintiffs Elvin
17 and Phyllis Valenzuela’s complaint came on for hearing on March 16, 2009. After consideration
18 of the papers filed by the parties and the arguments of counsel at the hearing, and for the reasons
19 set forth in the Court’s Memorandum Decision Granting Defendants’ Motion, dated March 30,
2009 (Docket No. 42), and good cause appearing,

20 IT IS HEREBY ORDERED THAT Defendants’ motion to dismiss is granted and that the
21 fifth and sixth causes of action in plaintiffs’ complaint are dismissed without leave to amend;

22 IT IS FURTHER ORDERED THAT Deutsche Bank and AHMI Trust shall file an answer
23 to the remainder of plaintiffs’ complaint within 10 days.

24 IT IS SO ORDERED.

25
26 DATED: April 10, 2009

27 /s/ OLIVER W. WANGER

28 Hon. Oliver W. Wanger
United States District Court Judge