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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA-FRESNO DIVISION**

JOSE S. ORTIZ,  
Plaintiff,

vs.

QUALITY LOAN SERVICE  
CORPORATION; SELECT  
PORTFOLIO SERVICING, INC.; and  
DOES 1 through 10, inclusive,  
Defendants.

**U.S.D.C. OF CALIFORNIA,  
EASTERN DISTRICT, FRESNO  
DIVISION CASE NO. 1:09-CV-  
00266-OWW-GSA**

**ASSIGNED TO JUDGE OLIVER  
W. WANGER, Courtroom #3 (7<sup>th</sup>  
Floor)**

**Complaint filed on January 20, 2009  
Notice of Removal Filed in USDC  
Eastern District, Fresno Division on  
February 11, 2009**

**ORDER GRANTING  
EXPUNGEMENT OF NOTICE OF  
PENDENCY OF ACTION**

**TO ALL PARTIES, AND THEIR ATTORNEYS OF RECORD:**

On July 6, 2009, at 10:00 am in Court room 3 of the above-referenced Court,  
an Order to Show Cause Regarding Dismissal and Expungment of any *lis pendens*  
recorded hearing took place regarding Plaintiff JOSE ORTIZ' failure to show  
cause by July 1, 2009, as ordered by this Court that he will prosecute this action,  
and failure to prosecute said action in the United States District Court for the

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**[PROPOSED] ORDER GRANTING EXPUNGEMENT OF NOTICE OF  
PENDENCY OF ACTION/LIS PENDENS**

1 Eastern District of California, Fresno Division, Case Number CASE NO. 1:09-CV-  
2 00266-OWW-GSA, known as Juan Ortiz v. Quality Loan Service Corporation, et  
3 al. No appearance was made by Plaintiff JUAN ORTIZ or his former counsel  
4 Mitchell Roth, who is now suspended from practice, after proper notice to both  
5 individuals and the Court ordered previously that due to Plaintiff's counsel's  
6 suspension, Plaintiff JUAN ORTIZ was considered to be representing himself *in*  
7 *propria persona* and required to personally appear at this hearing or obtain new  
8 counsel. Gina L. Albertson, Esq. of Albertson Law appeared on behalf of  
9 Defendants QUALITY LOAN SERVICE CORPORATION and SELECT  
10 PORTFOLIO SERVICING, INC.

11 The Court, having considered the pleadings, oral argument, and all matters  
12 pertaining to this action, hereby Orders that any Notice of Pendency of Action/*lis*  
13 *pendens*, recorded with respect to the real property commonly known as 3624  
14 Akeby Drive, Modesto , California, 95356 and legally described as set forth on  
15 Exhibit "A" attached to this Order is hereby expunged pursuant to *California Code*  
16 *of Civil Procedure* §§405.31 and 405.32 since Plaintiff JUAN ORTIZ does not  
17 have a pending cause of action affecting title to the real property at issue in this  
18 case. Further, Plaintiff JUAN ORTIZ may not record a Notice of Pendency of  
19 Action/*lis pendens* with respect to this lawsuit or any claims deriving there from  
20 without leave of court.

21  
22 IT IS SO ORDERED.

23  
24 Date: 7/15/2009

By: /s/ OLIVER W. WANGER

Honorable Oliver W. Wanger  
United States District Judge for  
the Eastern District of California

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27  
28 **[PROPOSED] ORDER GRANTING EXPUNGEMENT OF NOTICE OF  
PENDENCY OF ACTION/LIS PENDENS**

1 Respectfully submitted,

2  
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4 ALBERTSON LAW  
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28 Attorneys for Defendants  
QUALITY LOAN SERVICE CORPORATION and SELECT PORTFOLIO  
SERVICING, INC.

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**[PROPOSED] ORDER GRANTING EXPUNGEMENT OF NOTICE OF  
PENDENCY OF ACTION/LIS PENDENS**