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9 SIERRA PACIFIC MORTGAGE COMPANY, INC.

10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF CALIFORNIA

12 VINCENT SIPE,

13 Plaintiff,

14 v.

15 COUNTRYWIDE BANK; SIERRA
16 PACIFIC MORTGAGE COMPANY,
17 INC.; BANK OF MADERA COUNTY;
18 COUNTRYWIDE DOCUMENT
19 CUSTODY SERVICES, A DIVISION OF
20 TREASURY BANK N.A.; MORTGAGE
21 ELECTRONIC REGISTRATION
22 SYSTEM, INC.; FINANCIAL
23 ADVANTAGE, INC.; JOHN NORBERG;
24 CAROL DESILVA; and Does 1-20,
25 inclusive,

26 Defendants.

Case No. 1:09-CV-00798-OWW-DLB

**ASSIGNED FOR ALL PURPOSES TO U.S.
DISTRICT JUDGE OLIVER W. WANGER,
Department 3**

**ORDER ON DEFENDANTS' MOTIONS
TO DISMISS PLAINTIFF'S SECOND
AMENDED COMPLAINT**

Complaint Filed: May 4, 2009

27 The motions to dismiss of Defendants SIERRA PACIFIC MORTGAGE COMPANY,
28 INC. ("Sierra Pacific"), COUNTRYWIDE BANK ("Countrywide"), and MORTGAGE
ELECTRONIC REGISTRATION SYSTEM, INC. ("MERS") came on regularly for hearing on
June 21, 2010 before the Honorable Oliver W. Wanger. Plaintiff appeared by and through
Jonathan G. Stein of the Law Offices of Jonathan G. Stein, Elk Grove, California. Sierra Pacific
appeared by and through Anthony R. Eaton of Wilke, Fleury, Hoffelt, Gould & Birney, LLP,

1 Sacramento, California. Countrywide and MERS appeared by and through Andrew W. Noble of
2 Severson and Werson, San Francisco, California.

3 After reviewing the paperwork submitted by the parties and hearing oral argument, the
4 Court issued its Memorandum Decision and Order (“Memorandum Decision”) granting the
5 Defendants’ respective motions to dismiss Plaintiff’s Second Amended Complaint. That ruling is
6 recorded on the Court’s docket as CM/ECF Document No. 53, and the language of the
7 Memorandum Decision is incorporated into this Order as though fully set forth herein.

8 Based on the above, IT IS HEREBY ORDERED THAT:

9 1. Countrywide, MERS, and Sierra Pacific’s respective motions to dismiss Plaintiff’s
10 First Cause of Action for fraud are GRANTED *WITHOUT LEAVE TO AMEND*.

11 2. Countrywide and MERS’ respective motions to dismiss Plaintiff’s Fourth Cause of
12 Action for violation of the Rosenthal Fair Debt Collection Practices Act are GRANTED
13 *WITHOUT LEAVE TO AMEND*.

14 3. Countrywide, MERS, and Sierra Pacific’s respective motions to dismiss Plaintiff’s
15 Seventh Cause of Action for Violation of the Unfair Competition Law (California Business and
16 Professions Code section 17200 et seq.) are GRANTED *WITHOUT LEAVE TO AMEND*.

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20 IT IS SO ORDERED.

21 Dated: July 30, 2010

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE