

1 UNITED STATES DISTRICT COURT
2 FOR THE EASTERN DISTRICT OF CALIFORNIA
3

4 VINCENT SIPE,
5
6 Plaintiff,
7
8 v.
9
10 COUNTRYWIDE BANK,
11
12 Defendants.

1:09-cv-00798 OWW DLB

ORDER TERMINATING MERS AS A
DEFENDANT AND STRIKING
REFERENCES TO MERS IN THE
COMPLAINT

11 A July 13, 2010 memorandum decision explained that,
12 although Defendant Mortgage Electronic Registration System, Inc.
13 ("MERS") is named as a defendant in the Second Amended Complaint
14 ("SAC") and is mentioned in the SAC's general allegations, MERS
15 was not specifically named in any SAC cause of action. Doc. 53
16 at 2. Plaintiffs were instructed to "clarify whether or not MERS
17 is still a party to this action and, if not, whether [general]
18 allegations [pertaining to MERS] should be stricken as
19 irrelevant." *Id.* Plaintiffs have failed to respond to this
20 instruction. MERS is therefore is DISMISSED WITHOUT PREJUDICE.
21 All references to MERS in the complaint are STRICKEN.
22
23

24 IT IS SO ORDERED.

25 Dated: January 3, 2011

/s/ Oliver W. Wanger
UNITED STATES DISTRICT JUDGE