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**FILED**  
SEP 10 2009  
CLERK, U.S. DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA  
BY *[Signature]* DEPUTY CLERK

6 Attorneys for Defendant  
7 BARCLAYS CAPITAL REAL ESTATE, INC. dba HOMEQ SERVICING  
8 erroneously named as Homeq Servicing

9 UNITED STATES DISTRICT COURT  
10 EASTERN DISTRICT OF CALIFORNIA

11 JOHANN A. NOOL and ARLENE G.  
12 NOOL,

13 Plaintiffs,

14 v.

15 HOMEQ SERVICING, a corporation;  
16 OPTION MORTGAGE LENDING  
17 INC., a corporation, MORTGAGE  
18 ELECTRONIC REGISTRATION  
19 SYSTEM, INC., a corporation; OLD  
20 REPUBLIC NATIONAL TITLE  
21 INSURANCE COMPANY, a  
22 corporation; and DOES 1 through 200,  
23 inclusive,

24 Defendants.

Case No.: 09-00885-OWW-DLB

~~PROPOSED~~ ORDER GRANTING  
DEFENDANT BARCLAYS  
CAPITAL REAL ESTATE, INC.  
DBA HOMEQ SERVICING'S  
MOTION TO DISMISS

Hearing Date: August 31, 2009  
Hearing Time: 10:00 a.m.  
Courtroom 3

25 Defendant Barclays Capital Real Estate, Inc. dba Homeq Servicing's

26 Motion to Dismiss (the "Motion") came before this Court for hearing on August  
27 31, 2009. Plaintiffs appeared by their counsel, Timothy F. Umbreit of Bander  
28 Law Firm. Defendant appeared by its counsel, J. Owen Campbell of Houser &  
Allison, APC.

ORDER

1

1 After consideration of the written submissions and oral argument, the Court  
2 issued its memorandum decision regarding Defendant's Motion. The  
3 memorandum decision signed September 3, 2009 and entered September 4, 2009  
4 as Document 14 in this matter sets forth the Court's reasoning in detail.  
5

6 For the reasons set forth in the memorandum decision, the Court hereby  
7  
8 GRANTS Defendant's Motion to Dismiss as follows:

9 1. Plaintiffs' first claim for relief for "Violation of the Truth in Lending  
10 Act (TILA), 15 U.S.C. §§ 1610, et seq." is DISMISSED WITHOUT LEAVE TO  
11 AMEND.  
12

13 2. Plaintiffs' second claim for relief for "Violation of Cal. Civ. Code §  
14 2923.6" is DISMISSED WITH LEAVE TO AMEND.  
15

16 3. Plaintiffs' third claim for relief for "Federal Unfair Debt Collection  
17 Practices" is DISMISSED WITHOUT LEAVE TO AMEND.  
18

19 4. Plaintiffs' fourth claim for relief for "Rosenthal Unfair Debt  
20 Collection Practices" is DISMISSED WITHOUT LEAVE TO AMEND.  
21

22 5. Plaintiffs' fifth claim for relief for "Predatory Lending/Fraud" is  
23 DISMISSED WITHOUT LEAVE TO AMEND.  
24

25 6. Plaintiffs' sixth claim for relief for "Fraud" is DISMISSED  
26 WITHOUT LEAVE TO AMEND.  
27  
28

