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7 Attorneys for Defendant  
JPMORGAN CHASE BANK, N.A., FOR ITSELF  
8 AND AS AN ACQUIRER OF CERTAIN ASSETS  
AND LIABILITIES OF WASHINGTON MUTUAL  
9 BANK FROM THE FDIC ACTING AS RECEIVER

10 **UNITED STATES DISTRICT COURT**  
11 **EASTERN DISTRICT OF CALIFORNIA**

13 DAVID E. JENSEN,

14 Plaintiff,

15 v.

16 QUALITY LOAN SERVICE CORP,  
WASHINGTON MUTUAL BANK, FA; JP  
17 MORGAN CHASE BANK, NA; and  
18 DOES 1 to 10, inclusive,

19 Defendants.

**CASE NO.:** 09-cv-01789 OWW DLB

**JUDGE:** Hon. Oliver W. Wanger

**ORDER GRANTING DEFENDANT'S  
MOTION TO DISMISS THE FIRST  
AMENDED COMPLAINT**

**DATE:** February 22, 2010

**TIME:** 10:00 a.m.

**DEPT:** "3"

**ACTION FILED:** June 5, 2009

21  
22 The Court having reviewed the Motion to Dismiss ("Motion") the first amended complaint  
23 ("FAC") of plaintiff David Jensen ("Plaintiff") filed by defendant JPMorgan Chase Bank, N.A.  
24 ("JPMorgan"), for itself and as an acquirer of certain assets and liabilities of Washington Mutual  
25 Bank from the FDIC acting as receiver, and good cause appearing therefore, hereby orders as  
26 follows:

27 1. As to the declaratory relief claim, the motion to dismiss is granted and this claim is  
28 dismissed without leave to amend.

1           2.       As to the fraud claims, the motion to dismiss is granted, and these claims are  
2 dismissed with leave to amend.

3           3.       As to the California Civil Code § 1572 claim, the motion to dismiss is granted, and  
4 this claim is dismissed without leave to amend.

5           4.       As to the RESPA claim, the motion to dismiss is granted and this claim is dismissed  
6 with leave to amend.

7           5.       As to the reformation claim, the motion to dismiss is granted and this claim is  
8 dismissed with leave to amend.

9           6.       As to the quiet title claim, the motion to dismiss is granted, and this claim is granted  
10 with leave to amend.

11          7.       As to the claim to set aside foreclosure, the motion to dismiss is granted and this  
12 claim is dismissed without prejudice.

13          8.       As to the UCL claim, the motion to dismiss is granted and this claim is dismissed  
14 with leave to amend.

15          9.       As to the RFDCPA claim, the motion is granted and this claim is dismissed with  
16 leave to amend.

17          10.      As to the injunctive relief “claim” the motion to dismiss is granted and this claim is  
18 dismissed without leave to amend.

19          11.      In light of the ruling on the motion to dismiss, the motion for a more definite  
20 statement is denied as moot.

21          12.      Plaintiff shall file and serve any amended pleading within thirty (30) days of  
22 electronic service of the Court’s Memorandum Decision. A true and correct of the Court’s  
23 Memorandum Decision is attached as Exhibit “A.”

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27 IT IS SO ORDERED.

28       Dated: April 20, 2010

/s/ Oliver W. Wanger  
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UNITED STATES DISTRICT JUDGE

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ADORNO YOSS ALVARADO & SMITH  
ATTORNEYS AT LAW  
SANTA ANA