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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER BALDAIN, JR.,
MICHAEL BALDAIN,

Plaintiffs,

NO. CIV. S-09-0931 LKK/GGH

v.

O R D E R

AMERICAN HOME MORTGAGE
SERVICING, INC., OPTION ONE
MORTGAGE CORPORATION,
QUALITY LOAN SERVICE CORP.,
OLYMPIC MORTGAGE & INVESTMENT
COMPANY, INC., PHILLIP RUBLE
and TIMOTHY ALAN SMITH and
DOES 1-20, inclusive,

Defendants.

_____ /

Plaintiffs in this suit bring numerous claims against various private financial businesses and two individuals involved with plaintiffs' home mortgage. Two of these defendants, American Home Mortgage Servicing, Inc. ("AHMS") and Sand Canyon Corporation (f/k/a Option One Mortgage Corporation) ("Option One"), moved to dismiss all eleven claims against them. Pursuant to local rule 78-230(c), plaintiffs' opposition or statement of non-opposition to

1 this motion was due by August 3, 2009. Plaintiffs did not file an
2 opposition or non-opposition. Instead, plaintiffs filed an amended
3 complaint. The amended complaint abandons plaintiffs' claims under
4 RICO and Cal. Civ. Code § 2923.5, adds a claim for negligence, and
5 adds some allegations to the repeated nine claims.


6 It appears that many of the arguments raised in the motion to
7 dismiss the initial complaint may also apply to the amended
8 complaint. Nonetheless, the court declines to address this issue
9 without briefing directly on point from either party.

10 Accordingly, the pending motion to dismiss, Doc. No. 13, is
11 DENIED WITHOUT PREJUDICE as moot.

12 IT IS SO ORDERED.

13 DATED: August 5, 2009.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT