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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

WALTER BALDAIN, JR.,
MICHAEL BALDAIN,

Plaintiffs,

v.

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

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 bring claims relating to a home loan and
foreclosure on the home. On August 13, 2009, two defendants--
American Home Mortgage Servicing and Option One Mortgage Corp.--
moved to dismiss plaintiff's first amended complaint and for a more
definite statement. (Doc. No. 23.) While these motions were under
submission, on December 15, 2009, three additional defendants--
Olympia Mortgage & Investment Co., Inc., Philip Lynn Ruble and

1 Timothy Alan Smith--separately moved for dismissal and for a more
2 definite statement. (Doc. No. 42.) The latter defendants' motions
3 were noticed for hearing on January 25, 2010.


4 On January 5, 2010, the court issued an order granting in part
5 the earlier motion to dismiss and denying the accompanying motion
6 for a more definite statement. This order granted plaintiffs 20
7 days to file an amended complaint. The order only discussed the
8 first defendants' motions, but the docket text erroneously
9 indicated that the order disposed of the second defendants' motions
10 as well. Plaintiffs' opposition to the second defendants' motions
11 was due on January 11, 2010.

12 While the pending motions raise some new issues, they largely
13 reiterate arguments considered by the court's January 5th order.
14 In light of this fact, the fact that the court has already granted
15 plaintiff leave to file a second amended complaint, and the
16 potential for confusion created by the erroneous docket text, the
17 court DENIES WITHOUT PREJUDICE the pending motions (Doc. No. 42)
18 as moot. The January 25, 2010 deadline for filing an amended
19 complaint remains unchanged.

20 IT IS SO ORDERED.

21 DATED: January 15, 2010.

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LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT