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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

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LYDIA O. MANLANGIT and OSCAR                      NO. CIV. 2:10-1225 WBS DAD  
T. MANLANGIT

Plaintiffs,                      ORDER

v.

NATIONAL CITY MORTGAGE, an  
Ohio corporation, PNC  
MORTGAGE, an Ohio corporation  
itself and as parent/successor  
in interest to NATIONAL CITY  
MORTGAGE, CAL-WESTERN  
RECONVEYANCE CORPORATION and  
DOES 1-10

Defendants.  
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Plaintiffs Lydia O. Manlangit and Oscar T. Manlangit  
brought this action against defendants National City Mortgage,  
PNC Mortgage, and Cal-Western Reconveyance Corporation ("Cal-  
Western") arising out of defendants' allegedly wrongful attempt  
to foreclose on plaintiffs' home. Presently before the court is

1 defendant PNC Bank National Association's ("PNC") motion to  
2 dismiss plaintiffs' Complaint pursuant to Federal Rule of Civil  
3 Procedure 12(b)(6) for failure to state a claim upon which relief  
4 can be granted.<sup>1</sup> Defendant Cal-Western has not joined the  
5 motion. Plaintiffs filed a statement of non-opposition to the  
6 motion. Because plaintiffs do not oppose the motion, it will be  
7 granted.

8 IT IS THEREFORE ORDERED that defendant PNC's motion to  
9 dismiss plaintiffs' Complaint be, and the same hereby is,  
10 GRANTED; and the complaint is hereby DISMISSED as against  
11 National City Bank, National City Mortgage, PNC Mortgage, and PNC  
12 Bank National Association.

13 DATED: September 27, 2010

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15 WILLIAM B. SHUBB  
16 UNITED STATES DISTRICT JUDGE  
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27 <sup>1</sup> PNC Bank National Association is the successor by  
28 merger to National City Bank, previously doing business as  
"National City Mortgage," and named in the Complaint as "National  
City Mortgage" and "PNC Mortgage."