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IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DENNIS WARD MCFADDEN, et al.,

Plaintiffs,

No. CIV-S-10-cv-3004-JAM-KJN-PS

v.

DEUTSCHE BANK NATIONAL  
TRUST COMPANY, as Trustee, et al.,

Defendants.

ORDER

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On August 16, 2011, the magistrate judge filed findings and recommendations (Dkt. No. 46) herein which were served on the parties and which contained notice that any objections to the findings and recommendations were to be filed within fourteen days. On August 31, 2011, plaintiffs filed a document entitled "Notice of Mistake and Response to Magistrate Judge's Findings and Recommendations" (Dkt. No. 47), which is construed as an objection to the findings and recommendations and has been considered by the court.

This court reviews de novo those portions of the proposed findings of fact to which an objection has been made. 28 U.S.C. § 636(b)(1); McDonnell Douglas Corp. v. Commodore Business Machines, 656 F.2d 1309, 1313 (9th Cir. 1981), cert. denied, 455 U.S. 920 (1982); see also Dawson v. Marshall, 561 F.3d 930, 932 (9th Cir. 2009). As to any portion of the proposed

1 findings of fact to which no objection has been made, the court assumes its correctness and  
2 decides the motions on the applicable law. See Orand v. United States, 602 F.2d 207, 208 (9th  
3 Cir. 1979). The magistrate judge’s conclusions of law are reviewed de novo. See Britt v. Simi  
4 Valley Unified School Dist., 708 F.2d 452, 454 (9th Cir. 1983).

5 The court has reviewed the applicable legal standards and, good cause appearing,  
6 concludes that it is appropriate to adopt the proposed findings and recommendations in full.

7 Accordingly, IT IS ORDERED that:

8 1. The Proposed Findings and Recommendations filed August 16, 2011, are ADOPTED.

9 2. The special motion to strike (Dkt. No. 13) filed by defendants David J. Boyer and  
10 Robert Jackson & Associates, Inc. (“Boyer Defendants”) pursuant to California’s anti-SLAPP  
11 statute is granted in part and denied in part. The anti-SLAPP motion is only granted as to  
12 plaintiffs’ claims for relief based on California law, which are numbered four through twelve.  
13 The Boyer Defendants’ motion to dismiss brought pursuant to Federal Rule of Civil Procedure  
14 12(b)(6) is granted as to the remaining, federal claims numbered one, two, three, and thirteen.  
15 All of plaintiffs’ claims alleged against the Boyer Defendants are dismissed with prejudice, and  
16 the Boyer Defendants are dismissed from this action.

17 3. Defendant Citi Residential Lending, Inc.’s (“Citi”) motion to dismiss (Dkt. No. 15)  
18 brought pursuant to Federal Rule of Civil Procedure 12(b)(6) is granted. All of plaintiffs’ claims  
19 alleged against Citi are dismissed with prejudice, and Citi is dismissed from this action.

20 4. Defendants Fidelity National Title Company and Default Resolution Network  
21 Division’s (“Fidelity Defendants”) motion to dismiss (Dkt. No. 16) brought pursuant to Federal  
22 Rule of Civil Procedure 12(b)(6) is granted. All of plaintiffs’ claims alleged against the Fidelity  
23 Defendants are dismissed with prejudice, and the Fidelity Defendants are dismissed from this  
24 action.

25 5. The motion to dismiss brought pursuant to Federal Rule of Civil Procedure 12(b)(6)  
26 by defendants David J. Boyer, Robert Jackson & Associates, Inc., Deutsche Bank National Trust

1 Co., American Home Mortgage Servicing Co., and Power Default Services, Inc. (“Deutsche Bak  
2 Defendants”) (Dkt. No. 18) is granted. All of plaintiffs’ claims alleged against the Deutsche  
3 Bank Defendants are dismissed with prejudice, and the Deutsche Bank Defendants are dismissed  
4 from this action.

5 6. To the extent that the document filed by plaintiffs and entitled “Notice of Mistake  
6 and Response to Magistrate Judge’s Findings and Recommendations” (Dkt. No. 47) seeks leave  
7 to amend, such relief is denied.

8 DATED: October 7, 2011.

9  
10 /s/ John A. Mendez  
UNITED STATES DISTRICT JUDGE

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