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 7 Bank of America, N.A.

8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10 LUKE M. GIBSON, and LISA A.
 11 GIBSON,

12 Plaintiffs,

13 vs.

14 BANK OF AMERICA, N.A; and DOES
 15 1-20,
 INCLUSIVE,

16 Defendants.
 17 S

No.: 2:11-CV-02141-JAM-EFB

**ORDER GRANTING IN PART, AND
 DENYING IN PART, BANK OF
 AMERICA'S MOTION TO DISMISS
 PLAINTIFFS' COMPLAINT**

Date: February 08, 2012
 Time: 9:30 a.m.
 Ctrm: 6
 Compl. Filed August 12, 2011

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1 On February 08, 2012 the Motion of Defendants Bank of America, N.A. to
2 dismiss the Complaint of plaintiffs Luke and Lisa Gibson (“Plaintiffs”) came on
3 for hearing before this Court. Having read and considered the pleadings in support
4 of and opposition to the Motion and the arguments of counsel, this Court rules as
5 follows:

6 1. Plaintiffs’ Complaint fails to state claims for negligence, negligent
7 infliction of emotional distress, violation of California’s Business & Professions
8 Code section 17200, invasion of privacy, and negligent hiring upon which relief
9 may be granted against Defendant and, on that basis, Defendant’s Motion is
10 GRANTED. Fed. R. Civ. Proc. 12(b)(6). Plaintiffs have 20 days leave to amend
11 the Complaint.

12 2. Plaintiffs’ Complaint adequately states a claim for trespass,
13 conversion and intentional infliction of emotional distress and, on that basis,
14 Defendant’s Motion is DENIED. Fed. R. Civ. Proc. 12(b)(6).

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16 **SO ORDERED:**

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18 DATED: 2/10/2012

19 /s/ John A. Mendez
20 Honorable John A. Mendez
21 U. S. District Court Judge
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