



1           Consequently, Plaintiff's claim for the breach of the implied covenant of good faith  
2 and fair dealing is DISMISSED WITH PREJUDICE and the Clerk of the Court is directed  
3 to CLOSE the case.

4           Defendant Nationwide Mortgage Holdings, Inc. has moved to dismiss the Second  
5 Amended Complaint pursuant to Federal Rule of Civil Procedure 41(b), or in the  
6 alternative, Federal Rule of Civil Procedure 12(b)(6) ("Motion"). The Motion, ECF No.  
7 52, is DENIED without prejudice as moot.

8           IT IS SO ORDERED.

9           Dated: September 29, 2014

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MORRISON C. ENGLAND, JR., CHIEF JUDGE  
UNITED STATES DISTRICT COURT