UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF CALIFORNIA

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27 28 GARY TEDFORD, et al., **Plaintiffs** VS. RESIDENTIAL CREDIT SOLUTIONS, INC., et al.,

Defendants

Case No. 2:14-cv-01715-MCE-CKD

ORDER TAKING MOTION TO DISMISS OFF CALENDAR

Date: October 2, 2014

Time: 2:00 p.m.

Courtroom: 7

Pursuant to the stipulation between plaintiffs' counsel and counsel for defendant RESIDENTIAL CREDIT SOLUTIONS, INC. ("RCS"), this Court hereby orders that the Motion to Dismiss brought on behalf of Defendant RCS (ECF No. 4), currently on calendar for October 2, 2014, be taken off calendar. Instead, RCS shall file its Answer no later than October 10, 2014.

The Court notes that previous defense counsel, the AMSL Legal Group, initially filed the present motion on both RCS an additional defendant, Sage Point Lender Services. With respect to Sage Point, the Motion to Dismiss argues that because Plaintiffs' Complaint pertains to a loan modification review to which Sage did not participate, Sage should be dismissed from the lawsuit. In reviewing the file, the Court notes that although Wright, Finlay & Zak substituted in as counsel for RCS on or about September 4, 2014, that substitution did not extend to Sage Point. Nor did the aforementioned stipulation to take Motion to Dismiss off calendar make any mention of Sage Point. Court personnel called Mr. Arlas who did not indicate his firm was not representing Sage Point. On September 16, 2014, the Court issued a Minute Order requesting clarification as to the status of Sage Point's representation and whether or not the Motion to Dismiss is intended to remain active as to Sage Point. Having received no response to that Minute Order, the court will sua sponte take the entire Motion to Dismiss (ECF No. 4) off calendar. Not later than October 10, 2014, counsel representing Sage Point is directed to either 1) file an answer on behalf of Sage Point; or 2) file an amended Motion to Dismiss directed to Sage Point alone.

IT IS SO ORDERED.

Dated: September 30, 2014

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