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UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA

ROBERT OBY; SUSAN OBY,

Plaintiffs,

v.

CLEAR RECON CORP.; SELECT PORTFOLIO SERVICING, INC.; JPMORGAN CHASE; and Does 1 through 50,

Defendants.

CASE NO. 2:16-cv-01008-MCE-CKD

ORDER DISMISSING FIRST AND THIRD CAUSES OF ACTION WITH PREJUDICE

(Sacramento Superior Court Case No. 34-2016-00192471)

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ORDER

On March 10, 2017, the Court filed a memorandum and order (ECF No. 36) granting in part and denying in part Defendant Select Portfolio Servicing, Inc.'s ("SPS") Motion To Dismiss Plaintiffs Robert Oby and Susan Oby's ("Plaintiff") Complaint. In this Order, the Court

a. granted SPS' motion to dismiss Plaintiffs' first cause of action for negligence and third cause of action for violation of California Civil Code section 2924.11; and

c. denied SPS' motion to dismiss Plaintiffs' second cause of action for violation of California Civil Code section 2923.6 and fourth cause of action for violation of California Business and Professions Code sections 17200, *et seq.*

Pursuant to the Court's Order, Plaintiffs had 20 days to file an amended complaint. The Parties subsequently agreed to extend this deadline to April 11, 2017. Plaintiffs have neither filed an amended complaint nor objected to the Court's Order.

Since Plaintiffs have not filed an amended complaint within the time provided, the first and third causes of action are hereby dismissed without prejudice. SPS' response to the Complaint is due within 14 days of the date this Order is electronically filed.

IT IS SO ORDERED.

Dated: May 9, 2017

MORRISON C. ENGLAND, JR
UNITED STATES DISTRICT JUDGE