



1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Accordingly, IT IS HEREBY ORDERED that:

1. The findings and recommendations filed September 10, 2018 are adopted in full;
2. Defendants’ motion to dismiss is GRANTED in part and DENIED in part as follows:
  - a) Defendants’ motion to dismiss is granted as to (1) negligence; (3) cancellation of voidable contract under Rev. & Tax Code §§ 233304.1, 23305A, and Cal. Corp. Code §§ 191(c)(7); and (8) slander of title; these claims are dismissed without leave to amend;
  - b) Defendants’ motion to dismiss is GRANTED as to (2) fraud; and (4) to void or cancel assignments of deed of trust, but plaintiff is allowed to amend these claims; and
  - c) Defendants’ motion is DENIED as to (5) breach of implied covenant of good faith and fair dealing; (6) violation of California business and professions code section 17200 et seq.; (7) quiet title; and (9) wrongful foreclosure.

DATED: December 10, 2018

/s/ John A. Mendez

UNITED STATES DISTRICT COURT JUDGE