

E-filing

1 DARRELL MCDONALD,  
FLORA MCDONALD  
2 1269 Parkwood Drive  
Novato, California 94947  
3 Telephone: (415) 298-5115  
Facsimile: (415) 897-9203-4334  
4 darrellmcdonald@hotmail.com

5 In pro per

6  
7 **UNITED STATES DISTRICT COURT**  
8 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
9

10 DARRELL MCDONALD,  
FLORA MCDONALD

} Case No: 09-CV-1365 MMC

11  
12 **Plaintiffs,**

13 vs.

14 RESIDENTIAL MORTGAGE CAPITAL;  
NDEX WEST, L.L.C.; MORTGAGE  
15 ELECTRONIC REGISTRATION SYSTEMS,  
INC. (MERS), a Delaware Corporation;  
16 FEDERAL DEPOSIT INSURANCE  
CORPORATION AS CONSERVATOR FOR  
17 INDYMAC FEDERAL BANK, F.S.B., a  
18 government agency; ONEWEST BANK;  
19 DEUTSCHE BANK NATIONAL TRUST  
COMPANY and  
20 DOES 1 THROUGH 10,

} **NOTICE OF DISMISSAL**  
**[PROPOSED] ORDER OF DISMISSAL**

} **[F.R.C.P. RULE 41(a)(1)]**

21 **Defendants.**  
22

23 **TO ALL DEFENDANTS AND THEIR COUNSEL OF RECORD:**

24 **PLEASE TAKE NOTICE** that plaintiffs do hereby and herein dismiss all actions as to all  
25 defendants pursuant to Federal Rule of Civil Procedure 41(a)(1).  
26  
27  
28

1 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
2 "conformed" signature (/S/) within this e-filed document.

3 Dated: October 1, 2009.

Darrell McDonald  
Plaintiff in pro per

5 /s/  
6 Flora McDonald  
7 Plaintiff in pro per

8 **DECLARATION OF DARRELL AND FLORA MCDONALD**

- 9 1. We are the plaintiffs in this action and declare truthfully as follows:  
10 2. On March 27, 2009, we filed the Complaint in this action.  
11 3. No answer or motion for summary judgment has been filed by any defendant.

12 I declare under penalty of perjury that the foregoing is true and correct and that this  
13 declaration was signed in Novato, California on this date.

14 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
15 "conformed" signature (/S/) within this e-filed document.

17 Dated: October 1, 2009.

Darrell McDonald  
Plaintiff in pro per

19 /s/  
20 Flora McDonald  
21 Plaintiff in pro per

22 **ORDER OF DISMISSAL**

23 No answer or motion for summary judgment having been filed in this action, and all  
24 actions as to all parties having been voluntarily noticed for dismissal by plaintiffs, all actions as to  
25 all defendants are dismissed pursuant to Federal Rule of Civil Procedure 41(a)(1).

26 DATED: 10-2-09 ~~CLERK OF THE UNITED STATES DISTRICT COURT~~

27 Maxine M. Chesney  
28 ~~Deputy Clerk~~

**Maxine M. Chesney**  
**United States District Judge**