

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

United States District Court  
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

STEPHEN KELLEY & KATHY KELLEY,

No. C 09-01538 SI

Plaintiffs,

**ORDER DENYING DEFENDANT’S  
MOTION TO DISMISS**

v.


MORTGAGE ELECTRONIC REGISTRATION  
SYSTEMS, INC. *et al.*,

Defendants.

Defendant Mortgage Electronic Registration Systems, Inc. filed a motion to dismiss plaintiff’s complaint on May 7, 2009. On June 9, 2009, plaintiff filed a first amended complaint. [Docket No. 12] Defendant’s motion to dismiss the initial complaint is denied without prejudice to refile, should defendant seek to dismiss the amended complaint. The June 19, 2009 hearing on defendant’s motion is VACATED.

**IT IS SO ORDERED.**

Dated: June 17, 2009

  
\_\_\_\_\_  
SUSAN ILLSTON  
United States District Judge