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

PETRA MARTINEZ,
Plaintiff,

No. C 09-05630 WHA

v.

AMERICA'S WHOLESALE LENDER,
COUNTRYWIDE HOME LOANS
SERVICING LP, BANK OF AMERICA,
RECONTRUST COMPANY, AND BANK
OF NEW YORK MELLON,

**ORDER DENYING
DEFENDANTS'
MOTION TO DISMISS**

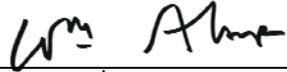
Defendants.

Plaintiff Petra Martinez initiated this action against defendants for monetary damages and equitable relief in the Monterey County Superior Court. Defendants removed this action to federal court, and filed a motion to dismiss plaintiff's complaint.

Defendants' motion to dismiss is **DENIED** without prejudice. Defendants shall file a motion for summary judgment by **JANUARY 28, 2010**. Plaintiff shall file her opposition no later than **FEBRUARY 11, 2010**. The hearing will be held **AT 8 A.M. ON MARCH 4, 2010**. Any Federal Rule of Civil Procedure 56(f) affidavit may be filed in connection with the opposition to the motion for summary judgment.

IT IS SO ORDERED.

Dated: January 14, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE