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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 WHOLESAL LENDER,
COUNTRYWIDE HOME LOANS
SERVICING LP, BANK OF AMERICA,
RECONTRUST COMPANY, and BANK
OF NEW YORK MELLON,
Defendants.

**ORDER DENYING DEFENDANTS’
MOTION FOR LEAVE TO FILE A
MOTION TO DISMISS PLAINTIFF’S
QUIET TITLE CLAIM**

Yesterday, our court of appeals affirmed in part and reversed in part an order by this Court granting summary judgment for defendants in this matter, and remanded the case for further proceedings consistent with that decision. Defendants moved immediately for leave to file a motion to dismiss plaintiff’s quiet title claim. They assert that because their original motion to dismiss was denied without prejudice to a motion for summary judgment — after which defendants brought such motion, and which motion was granted by the order reversed in part on appeal — they should be entitled to bring a new motion to dismiss now.

Defendants’ motion is **DENIED**. The mandate has not returned to this Court. When it does return, we will proceed consistent with the opinion of the court of appeals.

IT IS SO ORDERED.

Dated: August 16, 2011.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE