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

PETRA PEREZ,

No. C 12-00932 WHA

Plaintiff,

v.

**ORDER DISMISSING ACTION  
AS AGAINST SPECIFIED  
DEFENDANTS AND ORDER  
TO SHOW CAUSE**

AMERICAN HOME MORTGAGE  
SERVICING, INC., MORTGAGE  
ELECTRONIC REGISTRATION SYSTEM,  
INC., T.D. SERVICE COMPANY, and DOES  
1-50, INCLUSIVE,

Defendants.

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By order dated April 23, 2012, defendants American Home Mortgage Servicing, Inc., and Mortgage Electronic Registration System, Inc.’s motion to dismiss was granted. The order concluded that plaintiff Petra Perez, who is represented by counsel, insufficiently pleaded each alleged claim for relief. One claim was dismissed without leave to amend. All others were dismissed with leave to file a motion for leave to amend the complaint by May 7, 2012. Plaintiff did not seek leave to amend. Moreover, pursuant to the case management order, the deadline to add new parties or make pleading amendments was June 29, 2012. On July 2, 2012, defendants American Home Mortgage Servicing, Inc. (who filed a notice indicating effective May 29, 2012, they “officially become Homeward Residential, Inc.”), and Mortgage Electronic Registration System, Inc., filed a notice of plaintiff’s failure to file a motion for leave to file an amended complaint and requested dismissal of this action with prejudice. All claims in the operative complaint have been dismissed against defendants American Home Mortgage Servicing, Inc.,

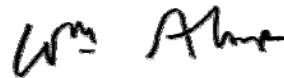
1 and Mortgage Electronic Registration System, Inc., and plaintiff has failed to timely amend.  
2 Thus, the action is **DISMISSED WITH PREJUDICE** as against defendants American Home Mortgage  
3 Servicing, Inc. (now “Homeward Residential, Inc.”), and Mortgage Electronic Registration  
4 System, Inc.

5 Defendant T.D. Service Company is the sole remaining defendant. Defendant T.D.  
6 Service Company filed a declaration of non-monetary status on February 7, 2012, prior to  
7 removal of this action to federal court. This Court has held that Section 2924l declarations are  
8 generally not valid in federal court proceedings. *See Kennedy v. PLM Lender Services, Inc.*, No.  
9 10-CV-04942, 2012 WL 1038632, at \*5–6 (N.D. Cal. Mar. 27, 2012) (Alsup, J.). However,  
10 where the parties have stipulated to non-monetary status as to a particular defendant, this Court  
11 has upheld the agreement between the parties and treated said defendant as a nominal defendant.  
12 *Avila v. Wells Fargo Bank, N.A.*, No. 12-CV-01237, Dkt. No. 22 (N.D. Cal. May 21, 2012)  
13 (Alsup, J).

14 By **JULY 23, 2012**, if no stipulation of non-monetary status has been filed as to defendant  
15 T.D. Service Company, plaintiff must show cause why the reasons for dismissing the action,  
16 stated in the dismissal order dated April 23, 2012, do not also apply to the claims alleged against  
17 defendant T.D. Service Company, and therefore why the action should not be dismissed against  
18 T.D. Service Company.

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20 **IT IS SO ORDERED.**

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22 Dated: July 9, 2012.



23 WILLIAM ALSUP  
24 UNITED STATES DISTRICT JUDGE  
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