

United States District Court
For the Northern District of California

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

DARRELL McDONALD, et al.,
Plaintiffs,
v.
INDYMAC MORTGAGE SERVICES, et al.,
Defendants.

No. C 12-4610 MMC

**ORDER DENYING AS MOOT
DEFENDANTS' MOTIONS TO DISMISS
PLAINTIFFS' COMPLAINT**

Before the Court are three motions to dismiss plaintiffs' complaint pursuant to Rule 15(b) of the Federal Rules of Civil Procedure, filed, respectively, by defendant NDeX West, LLC on October 23, 2012, defendant Wells Fargo Bank, N.A. on October 25, 2012, and defendants OneWest Bank, FSB and Deutsche Bank National Trust Company, jointly, on October 25, 2012. On November 13, 2012, twenty one days after defendant NDeX West, LLC filed its motion to dismiss, plaintiffs filed their First Amended Complaint. Pursuant to Rule 15 of the Federal Rules of Civil Procedure, a "party may amend its pleading once as a matter of course within . . . 21 days after service of a motion under Rule 12(b)" of the Federal Rules of Civil Procedure. See Fed. R. Civ. Pro. 15(a)(1)(B).

Accordingly, defendants' motions to dismiss plaintiffs' complaint are hereby DENIED as moot.

IT IS SO ORDERED.

Dated: November 16, 2012


MAXINE M. CHESNEY
United States District Judge