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Attorneys for Defendants  
U.S. BANK NATIONAL ASSOCIATION, AS  
TRUSTEE, SUCCESSOR IN INTEREST TO  
DEUTSCHE BANK NATIONAL TRUST  
COMPANY, AS TRUSTEE FOR  
MORTGAGEIT TRUST 2005-AR1,  
MORTGAGE PASS THROUGH  
CERTIFICATES, SERIES 2005 AR-1  
(erroneously sued herein as "U.S. Bank National  
Association, as Trustee, Successor in Interest to  
Deutdche (sic.) Bank National Trust Company,  
Series 2005-AR1") and EXECUTIVE TRUSTEE  
SERVICES, LLC dba ETS SERVICES, LLC

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA — SAN FRANCISCO DIVISION

ROCHELLE DUCUT,  
  
Plaintiff,  
  
vs.

U.S. BANK NATIONAL ASSOCIATION,  
AS TRUSTEE, SUCCESSOR IN INTEREST  
TO DEUTDCHE BANK NATIONAL TRUST  
COMPANY, SERIES 2005-AR1, organized  
and existing under laws of New York,  
EXCUTIVE TRUSTEE SERVICES, LLC  
DBA ETS SERVICES, LLC, is organized and  
exists under the laws of the State of Texas,

Defendants.

Case No. 3:13-cv-00381-NC

~~PROPOSED~~ ORDER RE DISMISSAL

Action Filed: January 28, 2013  
Trial Date: None Set

1 On April 30, 2013, defendants U.S. Bank National Association, as Trustee, successor in  
2 interest to Deutsche Bank National Trust Company, as Trustee for MortgageIT Trust 2005-AR1,  
3 Mortgage Pass through Certificates, Series 2005 AR-1 (erroneously sued herein as "U.S. Bank  
4 National Association, as Trustee, Successor in Interest to Deutdche (sic) Bank National Trust  
5 Company, Series 2005-AR1") and Executive Trustee Services, LLC dba ETS Services, LLC, filed  
6 a motion to dismiss the Complaint filed by plaintiff Rochelle Ducut ("Plaintiff") in the above-  
7 captioned action. (Docket, Doc. Nos. 12, 16.) Plaintiff did not file an opposition to this motion  
8 within the time allowed under Civil Local Rule 7-3.

9 On June 12, 2013, the Court held the hearing on Defendants' motion to dismiss and a case  
10 management conference. Plaintiff did not appear and the Court issued an order to show cause as  
11 to why the case should not be dismissed for failure to prosecute ("Order"). (Docket, Doc. No. 32.)  
12 Pursuant to the Order, Plaintiff had until June 26, 2013 to respond. As of the date of this order,  
13 Plaintiff has not responded to the Order.

14 THEREFORE, and good cause appearing, the Court hereby orders as follows:

- 15 1. The entire above-captioned action is dismissed with prejudice.
- 16 2. Judgment is hereby ordered in favor of defendants U.S. Bank National  
17 Association, as Trustee, successor in interest to Deutsche Bank National Trust Company, as  
18 Trustee for MortgageIT Trust 2005-AR1, Mortgage Pass through Certificates, Series 2005 AR-1  
19 (erroneously sued herein as "U.S. Bank National Association, as Trustee, Successor in Interest to  
20 Deutdche (sic) Bank National Trust Company, Series 2005-AR1") and Executive Trustee  
21 Services, LLC dba ETS Services, LLC.

22 **IT IS SO ORDERED.**

23  
24 Dated: July 3, 2013

