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

VINCENTA MULATO,

Plaintiff,

v.

WMC MORTGAGE CORP.; LITTON LOAN  
SERVICING LP; JP MORGAN CHASE BANK,  
N.A.; CHASE HOME FINANCE LLP;  
CALIFORNIA COMBO MORTGAGE; DMW  
REALTY; ENRIQUE ALVAREZ; RESURGENT  
CAPITAL SERVICES; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.,

Defendants.

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No. C 09-03443 CW

ORDER DISMISSING  
CLAIMS AGAINST  
DEFENDANTS WMC  
MORTGAGE CORP.,  
LITTON LOAN  
SERVICING LP,  
CALIFORNIA COMBO  
MORTGAGE, DMW REALTY  
AND ENRIQUE ALVAREZ

In its Order of October 27, 2009, the Court noted that its records did not show that Plaintiff had served WMC Mortgage Corp., Litton Loan Servicing, California Combo Mortgage, DMW Realty and Enrique Alvarez within 120 days of filing her original complaint as required by Federal Rule of Civil Procedure 4(m). (Docket No. 11.) The Court thereby ordered Plaintiff to serve her amended complaint on all Defendants within ten days of filing it and warned that her failure to comply with the order would result in dismissal with prejudice.

Plaintiff filed her amended complaint on November 16, 2009. The ten-day period for Plaintiff to serve the abovementioned

1 Defendants has passed and there are no proofs of service before the  
2 Court to show that these Defendants were properly served.  
3 Accordingly, the Court dismisses with prejudice Plaintiff's claims  
4 against WMC Mortgage Corp., Litton Loan Servicing, California Combo  
5 Mortgage, DMW Realty and Enrique Alvarez.

6 Defendants JP Morgan Chase Bank, N.A. and Chase Home Finance  
7 LLP (collectively, Chase) have filed a motion to dismiss  
8 Plaintiff's amended complaint. Defendant Resurgent Capital  
9 Services has joined in Chase's motion. As noted in the Clerk's  
10 Notice of December 4, 2009, Plaintiff's opposition to this motion  
11 will be due December 17, 2009, and any reply will be due December  
12 24, 2009. This motion will be taken under submission on the  
13 papers.

14 IT IS SO ORDERED.

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16 Dated: December 17, 2009



17 CLAUDIA WILKEN  
18 United States District Judge  
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