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4 UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
6 OAKLAND DIVISION

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8 RICHARD A. STEINER & CAROLE J.  
STEINER,

9 Plaintiffs,

10 v.

11 ONEWEST BANK, FSB and TRANS  
UNION, LLC;

12 Defendants.  
13

Case No: C 13-5349 SBA

**ORDER DENYING  
MOTION TO DISMISS**

Docket 21

14 On January 15, 2014, Defendant OneWest Bank, FSB (“OneWest Bank”) filed a  
15 motion to dismiss the complaint under Rule 12(b)(6) of the Federal Rules of Civil  
16 Procedure. Dkt. 21. On January 21, 2014, Plaintiffs filed a first amended complaint. Dkt.  
17 23. Under Rule 15 of the Federal Rules of Civil Procedure, a party may amend its pleading  
18 once as a matter of course within 21 days after service of a motion under Rule 12(b).  
19 Fed.R.Civ.P. 15(a)(1)(B).

20 Accordingly,

21 IT IS HEREBY ORDERED THAT:

- 22 1. OneWest Bank’s motion to dismiss the complaint is DENIED as MOOT.  
23 2. This Order terminates Docket 21.

24 IT IS SO ORDERED.

25 Dated: 2/4/2014

26   
27 SAUNDRA BROWN ARMSTRONG  
28 United States District Judge