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**\*E-FILED 08-20-2010\***

NOT FOR CITATION  
IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JUAN MEDINA, et al.,

No. C05-02905 HRL

Plaintiffs,

**ORDER GRANTING MOTION FOR  
DISMISSAL OF REMAINING CLAIMS  
AND DEFENDANTS WITH PREJUDICE**

v.

ARGENT MORTGAGE COMPANY, et al.,

**[Re: Docket No. 252]**

Defendants.

\_\_\_\_\_ /  
Plaintiffs move to dismiss with prejudice all claims against the remaining defendants, with the parties to bear their own attorney’s fees and costs. There has been no opposition to the motion. Moreover, in view of plaintiffs’ representations (a) as to their limited financial resources (and their belief that any such costs might, in any event, be subject to the criminal restitution orders plaintiffs obtained as to the remaining defendants); and (b) the remaining defendants’ apparent refusal to respond to plaintiffs’ efforts within the past year to settle this matter, the court will grant the motion. Accordingly, plaintiffs’ claims against Summit Mortgage Realty, Inc., Herman Michael Covarrubias, Esperanza Valverde, and Cesar Ponte (aka Cesar Valverde)<sup>1</sup> are dismissed with prejudice. The parties shall bear their own fees

\_\_\_\_\_ /  
<sup>1</sup> The court no longer has current contact information for Cesar Ponte. However, a copy of this order will be mailed to Ponte at the address indicated on plaintiffs’ certificate of service (Docket Nos. 253, 259).

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and costs. FED. R. CIV. P. 41(a)(2). The clerk shall close the file.

SO ORDERED.

Dated: August 20, 2010

  
\_\_\_\_\_  
HOWARD F. LICHTEN  
UNITED STATES MAGISTRATE JUDGE

1 5:05-cv-2905 Notice has been electronically mailed to:  
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15 Counsel are responsible for distributing copies of this document to co-counsel who have not  
16 registered for e-filing under the court's CM/ECF program.

17 5:05-cv-2905 Notice mailed to

18 Esperanza Isabel Valverde, X37069  
19 P.O. Box 92  
20 Chowchilla, California 93601  
21 LEGAL MAIL

22 Herman Michael Covarrubias, G62756  
23 L5-250-L  
24 P.O. Box 2210  
25 Susanville, CA 96127  
26 LEGAL MAIL

27 Cesar Ponte  
28 435 Richfield Drive, Apt. 25  
San Jose, CA 95129