

E-Filed 9/04/2008

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

CARLOS PACHECO, an individual,

Plaintiff,

vs.

MECOMINGS FINANCIAL, LLC, a Delaware
Limited Liability Company; MORTGAGEIT, INC.,
a New York Corporation; and DOES 1-100,
Inclusive,

Defendants.

Case Number C 08-03002 JF (HRL)

ORDER¹ GRANTING MOTION TO
STRIKE PORTIONS OF PLAINTIFF’S
COMPLAINT

[re: docket nos. 11, 13, 17-19, 21]

Defendants Homecomings Financial, LLC (“Homecomings”) and MortgageIT, Inc. (“MortgageIT”) move to strike portions of Plaintiff Carlos Pacheco’s Complaint. On June 23, 2008, Defendant Homecomings filed a motion to strike the words “punitive damages” from paragraph 2 in the Prayer to Plaintiff’s Complaint. On June 25, 2008, Defendant MortgageIT filed a motion to strike the award of actual, compensatory, statutory and punitive damages from

¹ This disposition is not designated for publication in the official reports.

1 paragraph 2 in the Prayer to Plaintiff's Complaint, as well as any other claim for damages stated
2 in the Complaint (*i.e.*, "statutory penalties and other damages" as stated in paragraph 1 of the
3 Complaint). Shortly thereafter, Defendant Homecomings filed a joinder to incorporate
4 Defendant MortgageIT's motion to strike all damages allegations from Plaintiff's Complaint.

5 In response, Plaintiff filed statements of non-opposition to Defendants' motions. Because
6 of Plaintiff's non-opposition, the motion hearing scheduled for September 5, 2008 is taken off-
7 calendar pursuant to Civil Local Rule 7-1(b), and IT IS HEREBY ORDERED THAT
8 Defendants' motions to strike all damages allegations from Plaintiff's Complaint are
9 GRANTED.

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11 DATED: September 4, 2008

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14 JEREMY FOGEL
United States District Judge

1 This Order has been served upon the following persons:

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