

E-Filed 1/15/2010

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

CHERYL J. PATITO,

Plaintiff

v.

DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A.; DSL SERVICE COMPANY; CENTRAL MORTGAGE COMPANY dba CENTRAL MORTGAGE LOAN SERVICING COMPANY; MTC FINANCIAL INC. dba TRUSTEE CORPS; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; and DOES 1 TO 250, inclusive,

Defendants

Case Number C 09-03574 JF (RS)

ORDER GRANTING SUMMARY JUDGMENT TO DEFENDANTS CENTRAL MORTGAGE COMPANY AND MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.

[re: document no. 8]

On July 24, 2009, Plaintiff Cheryl J. Patito filed a complaint in the Santa Clara Superior Court alleging violations of the Truth in Lending Act, unlawful business practices, unfair and fraudulent business practices, fraudulent omissions, quiet title action, rescission based on fraud, unfair debt collection practices, breach of fiduciary duty, breach of contract, breach of the covenant of good faith and fair dealing, and declaratory and injunctive relief.

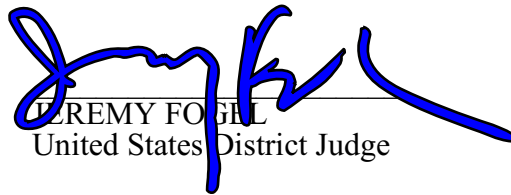
On August 5, 2009, the action was removed to this Court. On August 17, 2009, Defendants Central Mortgage Company (“CMC”) and Mortgage Electronic Registration Systems, Inc. (“MERS”) moved to dismiss for failure to state a claim or, alternatively, for

1 summary judgment. Subsequently, Patito filed a motion for voluntary withdrawal of her claims.
2 Because of an administrative error, the action was dismissed notwithstanding the pendency of the
3 motion for summary judgment. The Court set aside the dismissal in order to address the motion.

4 Patito does not oppose the motion. Having reviewed the moving papers, the Court
5 concludes that the motion is well-taken. Accordingly, the motion for summary judgment is
6 GRANTED.

7 **IT IS SO ORDERED.**

8 DATED: January 15, 2010

9
10 
11 JEREMY FOGEL
12 United States District Judge
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27

1 This Order has been served upon the following persons:

2 Cheryl J Patito
1425 Little Orchard Street
3 San Jose, CA 95110
PRO SE
4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28