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**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

CARLOS M. ROSALES, GLORIA S.  
ROSALES,  
  
Plaintiffs,  
  
vs.  
  
THE MORTGAGE STORE FINANCIAL,  
INC; INDYMAC FINANCIAL SERVICES;  
COUNTRYWIDE HOME LOANS;  
MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.; DOES  
1-100; COUNTRYWIDE FINANCIAL  
CORPORATION; COUNTRYWIDE BANK,  
F.S.B.; RECONTRUST COMPANY;  
INDYMAC BANK, F.S.B.; FEDERAL  
DEPOSIT INSURANCE CORPORATION;  
ONE WEST BANK, F.S.B.; IMB HOLD  
CO., LLC; IMB MANAGEMENT  
HOLDINGS, LP; BANK OF AMERICA  
CORPORATION; ANGELO MOZILO;  
DAVID SAMBOL; COUNTRYWIDE  
HOME LOANS, INC.,  
  
Defendants.

CASE NO. 09cv235 - IEG - JMA  
  
ORDER  
  
(1) DENYING AS MOOT THE  
MOTION TO DISMISS OF  
INDYMAC FINANCIAL SERVICES  
  
(2) DENYING AS MOOT THE  
MOTION TO DISMISS OF  
COUNTRYWIDE HOME LOANS  
  
[Doc. Nos. 7,8]

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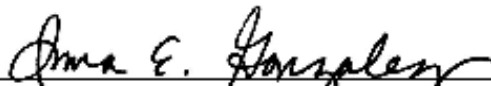
1 Presently before the Court are (1) a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6) filed  
2 by defendant Indymac Financial Services and (2) a 12(b)(6) motion to dismiss filed by defendant  
3 Countrywide Home Loans. (Doc. Nos. 7,8.) On March 23, 2009, plaintiffs filed their First Amended  
4 Complaint. (Doc. No. 14). Therefore, the Court DENIES AS MOOT the motion to dismiss of  
5 Indymac Financial and the motion to dismiss of Countrywide Home Loans. Further, the Court  
6 VACATES the hearing associated with these motions, which was set for April 7, 2009 at 10:30 a.m.

7 **IT IS SO ORDERED.**

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9 DATED: March 25, 2009

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IRMA E. GONZALEZ, Chief Judge  
United States District Court

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