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

FRANCISCO J. FIMBRES, LOREN)
MENDEZ, individuals)
)
Plaintiffs,)
)
vs.)
)
CHAPEL MORTGAGE CORPORATION,)
CHICAGO TITLE COMPANY, SAXON)
MORTGAGE SERVICES, INC., HSBC)
MORTGAGE SERVICES, INC., DEUTSCHE)
BANK NATIONAL TRUST COMPANY, as)
trustee for IXIS 2006-HE2, its successors and/or)
assigns, & DOES 1 through 20)
)
Defendants.)

Case No. 09cv0886 IEG POR

**ORDER:
(1) GRANTING JOINT MOTION
FOR DISMISSAL PURSUANT TO
FEDERAL RULE OF CIVIL
PROCEDURE 41(a) (Doc. No. 19); and
(2) DENYING AS MOOT DEFENDANT
HSBC MORTGAGE SERVICES’S
MOTION FOR JUDGMENT ON THE
PLEADINGS (Doc. No. 9)**

Presently before the Court are: (1) the joint motion by FRANCISCO J. FIMBRES and LOREN MENDEZ (“Plaintiffs”) and Defendant HSBC MORTGAGE SERVICES, INC. (“HSBC”) to dismiss the action against HSBC with prejudice (Doc. No. 19); and (2) HSBC’s motion for judgment on the pleadings. (Doc. No. 9.) For the reasons stated herein, the Court grants the joint motion and denies the motion for judgment on the pleadings as moot.

Plaintiffs and HSBC, through their respective counsel, have filed a joint motion stipulating as follows:

1. On or about April 28, 2009, Plaintiffs filed a complaint against Defendant in the United States District Court for the Southern District of California, entitled *Francisco J. Fimbres and Loren Mendez v. Chapel Mortgage Corp., et al.*, Case No. 09cv0886-IEG-POR (the “Action”).

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2. On or about May 6, 2009, Plaintiffs filed a First Amended Complaint in the Action.

3. On or about July 13, 2009, HSBC filed an Answer to the First Amended Complaint specifically denying Plaintiff's causes of action, and asserting nine affirmative defenses.

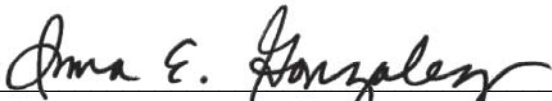
4. The parties have entered into a settlement agreement and desire that the Action be dismissed with prejudice only as against HSBC.

5. The parties agree that each party shall bear their/its own attorneys' fees and costs.

In accordance with the parties' stipulated agreement, and good cause appearing, the Court GRANTS the joint motion. This action is hereby DISMISSED WITH PREJUDICE as to defendant HSBC MORTGAGE SERVICES, INC., with each party to bear their/its own attorneys' fees and costs. In light of HSBC's dismissal, its motion for the judgment on the pleadings is DENIED AS MOOT, and the hearing on the motion, currently set for Monday September 28, 2009, is hereby VACATED.

IT IS SO ORDERED.

Dated: September 23, 2009



IRMA E. GONZALEZ, Chief Judge
UNITED STATES DISTRICT COURT