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

FERDINAND SIMBULAN, an individual,

Plaintiff,

vs.

FIRST HORIZON HOME LOAN CORPORATION, a division of FIRST HORIZON NATIONAL CORPORATION, a Tennessee corporation, GREEN TREE SERVICING LLC, and DOES 1 through 40 inclusive,

Defendants.

CASE NO. 12-cv-693-MMA (BGS)

**ORDER AFFIRMING THE COURT’S TENTATIVE RULING; AND
AND
GRANTING DEFENDANTS FIRST TENNESSEE AND GREEN TREE’S MOTIONS TO DISMISS WITH PREJUDICE; AND**

[Doc. Nos. 23, 27]

DENYING DEFENDANT GREEN TREE’S RENEWED MOTION TO EXPUNGE LIS PENDENS AS MOOT

[Doc. No. 28]

This foreclosure-related action is before the Court on Defendants First Tennessee and Green Tree’s (“Defendants”) Motions to Dismiss Plaintiff’s First Amended Complaint, pursuant to Federal Rule of Civil Procedure 12(b)(6). [Doc. Nos. 23, 27.] Also before the Court is Defendant Green Tree’s Renewed Motion to Expunge Lis Pendens. [Doc. No. 28.] On September 14, 2012, the Court issued a tentative ruling granting Defendants’ motions to dismiss, dismissing Plaintiff’s claims with prejudice, and denying Defendant Green Tree’s motion to expunge lis pendens as

1 moot. [Doc. No. 34.] On September 17, 2012, the Court held a hearing on the motions.

2 Having considered the submissions of the parties and considered the arguments of counsel,
3 the Court **AFFIRMS** its tentative ruling for the reasons stated on the record during the hearing,
4 and in accordance therewith:

5 (1) The Court **GRANTS** Defendants' motions to dismiss, and dismisses all of Plaintiff's
6 claims **with prejudice**;

7 (2) The Court **DENIES** Defendant Green Tree's renewed motion to expunge lis pendens as
8 moot.

9 Accordingly, the Clerk of Court is instructed to enter judgment in favor of Defendants and
10 terminate this case.

11 **IT IS SO ORDERED.**

12 DATED: September 18, 2012

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14 Hon. Michael M. Anello
15 United States District Judge

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