

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 10-cv-00784-PAB-BNB

DANIEL R. MELSON,

Plaintiff,

v.

FINANCE AMERICA, LLC, Originating Lender d/b/a FIN-AM LLC,
OCWEN LOAN SERVICING, LLC, original loan servicer, loan no. 34974212,
THE CIT GROUP/CONSUMER FINANCING, INC., and successor Loan Servicer Act. No.
00009800276306,
SELECT PORTFOLIO SERVICING, INC., Loan No. 0008900342,
U.S. BANK, N.A., as trustee, on behalf of the holders of the Trust 2006-CR-2 CS, mortgage
pass-through certificates, series 2006-CF-2,
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. MERS/MIN No.
100052300417455481, and
PUBLIC TRUSTEE OF PARK COUNTY, COLORADO

Defendants.

ORDER

On September 8, 2010, at the conclusion of a settlement conference, the parties reported that all claims against all defendants other than Finance America, LLC, had been settled. I ordered the parties to file a motion or stipulation to dismiss on or before October 8, 2010. Order [Doc. # 26, filed 9/8/2010]. Finance America had not been served as of the time of the settlement conference, so by a separate order I required the plaintiff to effect service of process against Finance America on or before November 8, 2010. Order [Doc. # 27]. Subsequently, on October 27, 2010, Finance America filed a Notice of Bankruptcy [Doc. # 29] stating that it commenced a case under Chapter 11 of the United States Bankruptcy Code on January 9, 2009, and that any action against it is subject to the automatic stay of 11 U.S.C. § 362.

The settling parties failed to file a motion or stipulation to dismiss within the time allowed. By a minute order [Doc. # 28, filed 10/25/2010] I set a status conference for November 3, 2010, at 8:30 a.m., to address the settling parties' failure to effectuate dismissal, and I ordered that "[a]ll counsel must appear in person." On October 29, 2010, a Joint Stipulation for Dismissal With Prejudice of Defendants Select Portfolio Servicing, Inc., Mortgage Electronic Registration Systems, Inc., and U.S. Bank National Association as Trustee on Behalf of the Holders of the CSMC Trust 2006-CF2, CS Mortgage Pass-Through Certificate Series 2006-CF2 [Doc. # 30] (the "Stipulation for Dismissal") was filed. Not included among the dismissed parties is the Public Trustee of Park County, Colorado, a defendant which has been served and answered, disclaiming any interest in the property. Disclaimer [Doc. # 1-20, filed 4/6/2010].

In view of the filing of the Stipulation of Dismissal,

IT IS ORDERED that

(1) Counsel for defendants (a) Select Portfolio Servicing, Inc.; (b) Mortgage Electronic Registration Systems, Inc.; and (c) U.S. Bank National Association as Trustee on Behalf of the Holders of the CSMC Trust 2006-CF2, CS Mortgage Pass-Through Certificate Series 2006-CF2 are excused from attending the status conference on November 3, 2010; and

(2) The status conference will go forward as scheduled on November 3, 2010, at 8:30 a.m., and counsel for the plaintiff shall appear to address his intentions with respect to the Public Trustee of Park County; Ocwen Loan Servicing, LLC; and the CIT Group/Consumer Financing, Inc.

Dated November 1, 2010.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge