

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 13-cv-02433-MSK-KLM

VALORIE BRIGGS, and
JOHN A. DAVIS,

Plaintiff,

v.

DEUTSCHE BANK NATIONAL TRUST COMPANY, as Trustee,
FREEDOM MORTGAGE CORPORATION,
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.,
LITTON LOAN SERVICES, LLC,
OCWEN LOAN SERVICING, LLC,
HELLERSTEIN AND SHORE, PC,

Defendants.

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on Plaintiffs' **Stipulated Motion to Dismiss Defendants[] Freedom Mortgage Corporation, Litton Loan Servicing, LP and Ocwen Loan Servicing, LLC Without Prejudice [#40]**¹ (the "Motion") and **Defendant Freedom Mortgage Corporation's Clarification of Position Regarding Plaintiffs' Stipulated Motion to Dismiss Defendants[] Freedom Mortgage Corporation, Litton Loan Servicing, LP and Ocwen Loan Servicing, LLC Without Prejudice [#43]** (the "Clarification").

In the Motion, Plaintiffs, who proceed in this matter as pro se litigants, state that they stipulate to dismissal without prejudice of their claims against Defendants Freedom Mortgage Corporation, Litton Loan Servicing, LP, and Ocwen Loan Servicing, LLC. *Motion* [#40] at 1. However, the Motion then states that Plaintiffs conferred with Defendants regarding a motion to amend the complaint and the Motion appears to be incomplete, with the first page ending in the middle of a sentence. *Id.* In the Clarification, Defendant

¹ "[#40]" is an example of the convention I use to identify the docket number assigned to a specific paper by the Court's case management and electronic case filing system (CM/ECF). I use this convention throughout this Order.

Freedom Mortgage Corporation states that it is clarifying “Plaintiff’s statement of conferral in their . . . motion to dismiss, and affirmatively states that the dismissal should be *with prejudice* . . .” *Clarification* [#43] at 1 (emphasis in original).

Because the Motion is incomplete and unclear, the Court is unable to enter an order dismissing any Defendants either with or without prejudice without further clarification from Plaintiffs. Accordingly,

IT IS HEREBY **ORDERED** that Plaintiffs shall file an Amended Motion, clarifying their Motion [#40], that makes clear exactly what relief they are seeking on or before **January 31, 2014**.

IT IS FURTHER **ORDERED** that the Motion [#40] is **DENIED without prejudice**.

Dated: December 30, 2013