

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO  
Chief Judge Marcia S. Krieger

Civil Action No. 14-cv-02843-MSK-NYW

THOMAS J. BEATTY; and  
DEBORAH Q. BEATTY,

Plaintiffs,

v.

MORTGAGEIT, INC.;  
MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.;  
THE BANK OF NEW YORK MELLON, FKA THE BANK OF NEW YORK, AS TRUSTEE  
FOR THE CERTIFICATEHOLDERS CWALT, INC., ALTERNATIVE LOAN TRUST 2006-  
OA9 MORTGAGE PASS-THROUGH CERTIFICATES, SERIES 2006-OA9;  
BANK OF AMERICA NA;  
THE PUBLIC TRUSTEE OF DOUGLAS COUNTY, COLORADO;  
THEIR SUCCESSORS AND/OR ASSIGNS; and  
All unknown persons who claim an interest in the subject matter of this action,

Defendants.

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**ORDER DENYING REQUEST FOR DISMISSAL OF PARTIES  
OR CLAIMS WITH LEAVE TO REFILE**

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THIS MATTER comes before the Court on the Joint Motion to Dismiss (Motion) (#52) filed February 16, 2016. Having reviewed the Motion, the Court,

**FINDS** that:

1. The Motion seeks to voluntarily dismiss claims from this action, but does not appear to completely dismiss the action as a whole.
2. In the interests of efficiency and economy, it is necessary to identify the parties and claims remaining and to ascertain the effect the proposed dismissal will have upon the trial.

**IT IS THEREFORE ORDERED** that:

1. The Motion (#52) is **DENIED** with leave to refile the Motion and proposed order **within 10 days**.
2. Such newly filed motion shall:
  - A. Use the complete caption of the case, including the names of all parties to the action; Identify all parties to be dismissed and the parties remaining;
  - B. Identify all claims to be dismissed and all claims that will remain. The claims shall be identified by the title given that claim in the original pleadings;
  - C. Identify all pending motions that are resolved by the dismissal and all pending motions that remain. Pending motions shall be identified by the docket entry number assigned by the Clerk of the District Court;
  - D. State, briefly, the anticipated impact of the dismissal on the time required for trial and any other trial efficiencies.
3. If the newly filed Motion contains the signatures of all counsel and *pro se* parties, it will be treated as an unopposed motion and the order will be issued promptly. If, however, the motion does not contain the signature of all counsel and *pro se* parties, it shall be served on same and no Order shall be entered until the time for objection has passed.

DATED this 17<sup>th</sup> day of February, 2016.

**BY THE COURT:**



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Marcia S. Krieger  
United States District Court