

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

ANDREW CONKLIN,

Plaintiff,

-vs-

Case No. 6:11-cv-443-Orl-31GJK

**WELLS FARGO BANK, N.A. and JOHN
DOE LOAN OWNER, INC.,**

Defendants.

ORDER

This matter comes before the Court on the Motion to Dismiss (Doc. 9) filed by Defendant Wells Fargo Bank, N.A., the response (Doc. 20) filed by the Plaintiff, Andrew Conklin (“Conklin”), and the Notice of Supplemental authority filed by Wells Fargo, which the Court has reviewed.

This case is substantially similar to the case of *Paschette v. Wells Fargo*, Case No. 6:11-cv-442-Orl-31GJK. In particular, the issues and arguments raised in the instant motion mirror those raised in the motion to dismiss filed in *Paschette*, and the same result is warranted. *See* Doc. 25 in *Paschette*. Accordingly, it is hereby

ORDERED that the Motion to Dismiss (Doc. 9) is **GRANTED IN PART AND DENIED IN PART**. Count I is dismissed without prejudice, Count III is dismissed with prejudice as to

Wells Fargo, only, and the Plaintiff's jury trial demand is hereby **STRICKEN**. In all other respects, the motion is **DENIED**.

DONE and **ORDERED** in Chambers, Orlando, Florida on June 21, 2011.



GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party