

**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.**

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**ORDER**

This matter comes before the Court on the Motion to Dismiss Amended Complaint (Doc. 29) filed by Defendant Wells Fargo Bank, N.A., and the response (Doc. 30) filed by the Plaintiff. As was the case with the previous Motion to Dismiss (Doc. 9), the issues raised and arguments advanced in the instant motion mirror those in *Paschette v. Wells Fargo*, Case No. 6:11-cv-442-Orl-31GJK, and the same result is warranted. See Doc. 36 in *Paschette*. Accordingly, it is hereby

**ORDERED** that the Motion to Dismiss Amended Complaint (Doc. 29) is **GRANTED IN PART AND DENIED IN PART**. Count I is **DISMISSED WITHOUT PREJUDICE**. Count III is **DISMISSED WITH PREJUDICE**. The Plaintiff's jury trial demand is **STRICKEN**.

Should he desire it, the Plaintiff will be given one last chance to state a claim under RESPA. The Plaintiff may file another amended complaint on or before September 19, 2011. If

he chooses to file another amended complaint, the document should not include a TILA claim or a jury trial demand.

**DONE** and **ORDERED** in Chambers, Orlando, Florida on September 8, 2011.

  
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GREGORY A. PRESNELL  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Party