

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

EDWIN PASCUA CARAANG and EDNA)	CIVIL NO. 10-00594 LEK-BMK
GOROSPE CARAANG,)	
)	
Plaintiffs,)	
)	
vs.)	
)	
PNC MORTGAGE, ETC., ET AL.,)	
)	
Defendants.)	
_____)	

**ORDER AMENDING ORDER GRANTING IN PART AND DENYING
IN PART PNC DEFENDANTS' MOTION TO DISMISS COMPLAINT**

Plaintiffs Edwin Pascua Caraang and Edna Gorospe Caraang (collectively "Plaintiffs") filed a nineteen-count Complaint on October 12, 2010. Defendants PNC Mortgage, a division of PNC Bank, National Association; PNC Bank, National Association in its individual capacity and as successor by merger to National City Mortgage Inc., and National City Bank; and PNC Financial Services Group, Inc. (collectively "PNC Defendants"), filed a Motion to Dismiss Complaint ("Motion") on February 25, 2011. On June 20, 2011, this Court filed an order granting the Motion in part and denying it in part ("Dismissal Order"). [Dkt. no. 39.] In the Dismissal Order, this Court dismissed some of Plaintiffs' claims against the PNC Defendants with prejudice and dismissed the remaining claims against the PNC Defendants without prejudice. The Dismissal Order expressly stated: "Plaintiffs have until **July 1, 2011** to file an amended complaint in

accordance with this order. The Court CAUTIONS Plaintiffs that, if they fail to file their amended complaint by **July 1, 2011**, this Court will amend this order to dismiss all of Plaintiffs' claims with prejudice." [Id. at 63 (emphases in original).]

Plaintiffs, however, failed to file an amended complaint by July 1, 2011. This Court therefore AMENDS the Dismissal Order as follows: the paragraph on page 63, quoted *supra*, is hereby replaced by the paragraphs below.

Plaintiffs had until **July 1, 2011** to file an amended complaint in accordance with this order. The Court CAUTIONED Plaintiffs that, if they failed to file their amended complaint by **July 1, 2011**, this Court would amend this order to dismiss all of Plaintiffs' claims with prejudice.

Plaintiffs failed to file their amended complaint by July 1, 2011. The Court therefore DISMISSES all of Plaintiffs' claims against the PNC Defendants WITH PREJUDICE.

The Court also notes that Defendant National City Mortgage was merged with and into Defendant National City Bank, and Defendant National City Bank merged with and into Defendant PNC Bank, N.A. [NCM Land Court Petition; PNC Land Court Petition.] Insofar as Defendant National City Mortgage and Defendant National City Bank no longer exist as separate entities from the PNC Defendants, Plaintiffs' claims against Defendants National City Mortgage and National City Bank are also DISMISSED WITH PREJUDICE.

At this time, the Court expresses no opinion regarding the status of Plaintiffs' claims against Defendant E*Trade Bank.

IT IS SO ORDERED.

DATED AT HONOLULU, HAWAII, July 6, 2011.



/S/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge

**EDWIN PASCUA CARAANG, ET AL. V. PNC MORTGAGE, ETC., ET AL; CIVIL
NO. 10-00594 LEK-BMK; ORDER AMENDING ORDER GRANTING IN PART AND
DENYING IN PART PNC DEFENDANTS' MOTION TO DISMISS COMPLAINT**