

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

THOMAS HARRY JR.; and GRETCHEN C. HARRY
Plaintiffs,
v.
COUNTRYWIDE HOME LOANS, INC;
BAC HOME LOANS SERVICING, LP;
BANK OF AMERICA, N.A.; THE BANK OF NEW YORK MELLON F/K/A THE BANK OF NEW YORK AS TRUSTEE FOR THE CERTIFICATE HOLDERS OF THE CWABS, INC., ASSET-BACKED CERTIFICATES, SERIES 2005-17; GREEN TREE SERVICING, LLC; MORTGAGE ELECTRONIC RECORDING SYSTEM, INC.; JOHN/JANE DOES 1-100 ALL UNKNOWN PERSONS WHO CLAIM ANY INTEREST IN THE SUBJECT MATTER OF THIS ACTION
Defendants.

Case No.: 1:16-cv-10765-NMG

DEFENDANTS COUNTRYWIDE HOME LOANS, INC. AND BANK OF AMERICA, N.A.'S MOTION TO WITHDRAW THEIR PENDING MOTION TO DISMISS PLAINTIFFS' ORIGINAL COMPLAINT

NOW COME Defendants Countrywide Home Loans, Inc. ("Countrywide") and Bank of America, N.A. ("BANA"), (collectively, "Bank Defendants"), by and through their undersigned counsel, and respectfully request to withdraw without prejudice their pending Motion to Dismiss (Doc. # 17) the original Complaint (the "Complaint") of Plaintiffs Thomas Harry, Jr. and Gretchen C. Harry (collectively, "Plaintiffs"), as the Plaintiffs have now sought to amend their Complaint, which will moot the pending Motion to Dismiss. Specifically, the Bank Defendants state as follows:

1 Plaintiffs have named BAC Home Loans Servicing, LP ("BACHLS"), an entity that is now known as Bank of America, N.A. ("BANA"), pursuant to the July 1, 2011 de jure merger between BACHLS and BANA. BANA responds to Plaintiffs' Complaint on behalf of its predecessor BACHLS.

Motion allowed. SJM/gorton, USDJ 8/8/16