

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

Vicky A. Dietz and
Terry B. Dietz,

Civil No. 10-3752 (DWF/TNL)

Plaintiffs,

v.

**MEMORANDUM
OPINION AND ORDER**

Beneficial Loan and Thrift Co., a
Minnesota corporation, and John
and Jane Does 1-10,

Defendants.

Michael J. Keogh, Esq., Keogh Law Office, counsel for Plaintiffs.

Chad A. Snyder, Esq., and Michael H. Frasier, Esq., Snyder Gislason Frasier LLC,
counsel for Beneficial Loan and Thrift Co.

This matter is before the Court on a Motion to Dismiss (Doc. No. 22) brought by Defendant Beneficial Loan and Thrift Co. (“Beneficial”). The motion came on for a hearing on October 28, 2011 and has been taken under advisement. At the end of the hearing, the Court represented that it would issue this short order announcing its decision on the pending Motion to Dismiss and that a Memorandum Opinion explaining the reasons for its decision would follow.

Based on the records, files, and proceedings herein, **IT IS HEREBY ORDERED** that:

1. Beneficial’s Motion to Dismiss (Doc. No. [22]) is **GRANTED**.

2. Plaintiffs' Third Amended Complaint (Doc. No. [21]) is **DISMISSED
WITH PREJUDICE.**

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 10, 2011

s/Donovan W. Frank
DONOVAN W. FRANK
United States District Judge