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8 **UNITED STATES DISTRICT COURT**
9 **DISTRICT OF NEVADA**

10 EDGAR M. TORRED, an individual, and
11 MERILOU I. TORRED, an individual,
12
13 Plaintiffs,
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15 vs.
16
17 WMC MORTGAGE CORP., a California
18 corporation; THE BANK OF NEW YORK, a New
19 York corporation; LITTON LOAN SERVICING
20 LIMITED PARTNERSHIP, a Delaware limited
21 partnership; QUALITY LOAN SERVICING
22 CORPORATION, a California corporation;
23 SAFEGUARD PROPERTIES, LLC, a Delaware
24 limited liability company; DOES 1 – V, inclusive;
25 and ROE ENTITIES VI – X, inclusive,
26
27 Defendants.

CASE NO.: 2:08-CV-01830-LDG-LRL

ORDER ON MOTION TO DISMISS

Presently before the Court is the motion to dismiss [Dkt. No. 22] filed by the Bank of New York ("BONY") on September 24, 2010. The motion seeks dismissal of all claims against BONY pursuant to Fed. R. Civ. P. 12(b)(6). The motion incorporates by reference Litton Loan Servicing, LP's motion to dismiss [Dkt. No. 7] and reply memorandum in support thereof [Dkt. No. 15]. This Court has already granted Litton's motion to dismiss. *See* Order, Dkt. No. 17.

Under this Court's rules, any response to BONY's motion was to be filed and served within

{LV011213;1}

1 15 days. *See* LR 7-2(b). The response deadline was October 12, 2010. Plaintiffs failed to file a
2 response to BONY's motion. Their failure to file a timely response constitutes consent to the
3 granting of the motion. *See* LR 7-2(d). The Court, having considered the moving papers, its own
4 files, and good cause appearing, orders as follows:

5 BONY's motion to dismiss is **GRANTED**.

6 All claims brought by Edgar Torred and Merilou Torred against BONY are **DISMISSED**.

7 The clerk shall enter a judgment in favor of BONY and against Edgar and Merilou Torred.

8 DATED this 20 day of October, 2010.

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United States District Judge