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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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VITO O. REYES,)	2:10-CV-00036-PMP-LRL
Plaintiffs,)	
vs.)	
COUNTRYWIDE HOME LOANS; BANK OF AMERICA, MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., RECONTRUST COMPANY,)	<u>ORDER</u>
Defendants.)	

15 Before the Court for consideration is Defendants’ Motion to Dismiss (Doc.
16 #5), filed on January 15, 2010, Plaintiff’s Opposition thereto (Doc. #11) filed
17 February 1, 2010, and Defendants’ Reply (Doc. #12) filed February 9, 2010. Having
18 read and considered the foregoing and having further considered the arguments of
19 counsel presented at the hearing conducted on March 26, 2010, the Court finds that
20 Defendants’ Motion to Dismiss (Doc. #5) must be granted.

21 This action was commenced on November 10, 2009, in the Eighth Judicial
22 District Court, in and for the County of Clark, State of Nevada alleging eleven
23 separate causes of action. A Notice of Lis Pendens was recorded by Plaintiff on the
24 same date. On January 12, 2010, Defendants’ Countrywide, Recontrust Company
25 and Bank of America removed the action to this Court (Doc. #1). By their motion to
26 dismiss, Defendants argue each of the eleven claims for relief set forth in Plaintiff’s

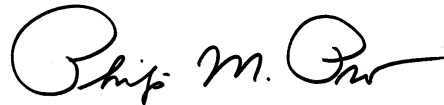
1 Complaint must be dismissed for failure to state a claim pursuant to Rule 12(b)(6) of
2 the Federal Rules of Civil Procedure. Defendants further argue that Plaintiff's
3 various claims for fraud are defficient because they are not plead with sufficient
4 particularity as required by Rule 9(b) of the Federal Rules of Civil Procedure, and
5 are barred by applicable statutes of limitations.

6 For the reasons set forth in Defendants' Motion to Dismiss (Doc. #5) and
7 Reply (Doc. #12), the Court finds that Defendants are entitled to the relief requested.

8 **IT IS THEREFORE ORDERED** that Defendants Countrywide Home
9 Loans, Inc., Bank of America and Recontrust Company's Motion to Dismiss
10 (Doc. #5) is **GRANTED**.

11 **IT IS FURTHER ORDERED** that the Clerk of Court shall enter
12 judgment in favor of Defendants Countrywide Home Loans, Inc., Bank of America
13 and Recontrust Company and against Plaintiff Vito O. Reyes.

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15 DATED: April 12, 2010.

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18 PHILIP M. PRO
19 United States District Judge
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