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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

ORLANDO FELIX PAGULAYAN, et al.,
Plaintiffs,
v.
ALLIED HOME MORTGAGE CAPITAL
CORPORATION, et al.,
Defendants.

Case No. 2:10-CV-01849-KJD-LRL


ORDER

Currently before the Court is Defendants Bank of America, Recontrust Company, N.A., and U.S. Bank, N.A.’s Motion to Dismiss (#5), filed October 28, 2010. To date, Plaintiffs have failed to file points and authorities in opposition to Defendants’ Motion as allowed by Local Rule 7-2. Local Rule 7-2(d) allows the Court to consider failure to file points and authorities in opposition as consent to the granting of the motion.

Additionally, the Court has reviewed Defendants’ Motion, and finds it to have merit. Defendants seek that the Court dismiss Plaintiffs’ claims pursuant to fed. R. Civ. P. 12(b)(6) for failure to state a claim upon which relief can be granted. Specifically, Defendants aver that Recontrust had the proper authority to record the Notice of Default, that Defendants satisfied N.R.S. §§ 107.087 and 107.085, and that Plaintiffs’ argument regarding the power of sale is unsupported.

Accordingly, **IT IS HEREBY ORDERED** that Defendants Bank of America, Recontrust Company, N.A., U.S. Bank, N.A.’s Motion to Dismiss (#5) is **GRANTED** pursuant to LR 7-2(d).

DATED this 22nd day of November 2010.



Kent J. Dawson
United States District Judge