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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

BALDOMERO VILLA and EDERLINDA
VILLA;

Plaintiffs,

v.

SILVER STATE FINANCIAL SERVICES,
INC., et al.,

Defendants.

2:10-cv-02024-LDG-LRL

ORDER

Defendants Chevy Chase Bank, F.S.B. (“Chevy”) and Capital One, N.A. (“Capital One”) have filed an unopposed motion to dismiss Plaintiffs’ claims against them (#35). These defendants argue that even if Plaintiffs’ claims were not barred by estoppel and preclusion, Plaintiffs have failed to state a claim against either Chevy or Capital One. Defendants’ arguments having merit, and Plaintiffs apparently so consenting, *see* LR 7-2(d), the court grants the motion.


Plaintiffs have filed a motion for preliminary injunction (#19, opp’n #22, reply #23). On March 1, 2011, this court held a hearing on Plaintiffs’ motion. At that hearing, the court ordered Plaintiffs to file a bond equaling three months’ mortgage payments and ordered supplemental briefing on Plaintiffs’ motion in anticipation of a continued hearing on the issue. Plaintiffs have posted the bond, and the parties have submitted their supplemental briefs in accordance with this

1 court's previous order (supplemental mot. #28, supplemental opp'n #30, supplemental reply #31).
2 However, in anticipation of the continued hearing on May 9, 2011, the court orders further
3 supplemental briefing on an additional issue not adequately addressed in previous briefing.
4 Accordingly,

5 THE COURT HEREBY ORDERS that the parties file supplemental briefs, not to exceed
6 five (5) pages, addressing only the validity of the Notice of Default filed by Quality on October 7,
7 2010. Specifically, the parties shall address the validity of that Notice filed by Quality as agent for
8 the alleged beneficiary named in the Notice, MERS and/or Meridias, in light of the previous
9 assignment of all beneficial interest under the Deed of Trust to US Bank as trustee for CCB Libor
10 Series 2007-2 Trust on both July 29 and December 30, 2009. The parties shall file such briefs no
11 later than April 29, 2011.

12 THE COURT FURTHER ORDERS that Defendants Chevy Chase Bank and Capital One's
13 unopposed motion to dismiss Plaintiffs' claims against them (#35) is GRANTED.

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16 Dated this 22 day of April, 2011.

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21 Lloyd D. George
22 United States District Judge
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