

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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BRANDON T. DALBY, VIRGINIE G.
DALBY,

2:10-CV-02231-PMP-GWF

Plaintiffs,

ORDER

VS.

QUALITY LOAN SERVICE, INC.,
MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,
BEST RATE FUNDING
CORPORATION, SAXON, INC.

Defendants.

Before the Court for consideration are the following motions:

Defendant Saxon Mortgage Services, Inc.'s Counter
Motion to Dismiss (Doc. #6);

Defendant Saxon Mortgage Services, Inc.'s Counter
Motion to Expunge Lis Pendens (Doc. #7);

Defendant Mers' Joinder to Saxon Mortgage Services,
Inc.'s Countermotion to Dismiss and Expunge Lis Pendens
(Doc. #18)

Plaintiffs' Motion to Remand (Doc. #11); and

Plaintiffs' Motion to Strike[18] Joinder (Doc. #25).

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1 On March 14, 2011, the Court conducted a hearing regarding the above-
2 referenced motions. At the close of the hearing, the Court permitted the parties an
3 additional 30 days to consult and attempt to resolve the case during which time the
4 Court would hold an abeyance on any ruling on the foregoing motions. The Court
5 has now been advised that the parties were unable to resolve the matter amicably and
6 that ruling on the foregoing motions is now appropriate. Having read and considered
7 the foregoing motions, and further considered the arguments presented at the hearing
8 conducted March 14, 2011, the Court finds that Defendant Saxon Mortgage Services,
9 Inc.'s Counter Motion to Dismiss (Doc. #6) and Motion to Expunge Lis Pendens
10 (Doc. #7) should be granted, and that Plaintiffs' Motion to Remand (Doc. #11)
11 should be denied. Specifically, the Court finds that Plaintiffs original "Petition in the
12 Nature of Quiet Title Action and Claim for Emergency Motion for Preliminary
13 Injunction" fails to comply with the requirements of Rule
14 8(a) of the Federal Rules of Civil Procedure, and reasons set forth in Defendant's
15 motion to dismiss fails to state a claim upon which relief can be granted thereby
16 warranting dismissal under Rule 12(b)(6) of the Federal Rules of Civil Procedure.

17 The Court further finds that Plaintiffs' Motion to Remand (Doc. #11) must
18 be denied because this action was properly removed to Federal Court on both Federal
19 Question and Diversity grounds.

20 **IT IS THEREFORE ORDERED that** Defendant Saxon Mortgage
21 Services, Inc.'s Counter Motion to Dismiss (Doc. #6) is **GRANTED**.

22 **IT IS FURTHER ORDERED that** Defendant Saxon Mortgage Services,
23 Inc.'s Counter Motion to Expunge Lis Pendens (Doc. #7) is **GRANTED**.

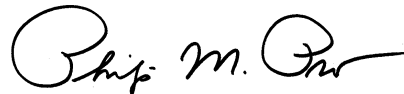
24 **IT IS FURTHER ORDERED that** Defendant Mers' Joinder to Saxon
25 Mortgage Services, Inc.'s Countermotion to Dismiss and Expunge Lis Pendens (Doc.
26 #18) is **GRANTED**.

1 **IT IS FURTHER ORDERED that** Plaintiffs' Motion to Remand (Doc.
2 #11) **DENIED.**

3 **IT IS FURTHER ORDERED that** Plaintiffs' Motion to Strike[18]
4 Joinder (Doc. #25) is **DENIED.**

5 **IT IS FURTHER ORDERED that** judgment shall forthwith be entered
6 by the Clerk of Court in favor of Defendants and against Plaintiffs Brandon Dalby
7 and Virginie Dalby.

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9 DATED: April 28, 2011.

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13 PHILIP M. PRO
14 United States District Judge
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