

1 FREDRICK S. LEVIN, CAL. SBN 187603  
 flevin@dykema.com  
 2 DAWN N. WILLIAMS, CAL. SBN 267925  
 dwilliams@dykema.com  
 3 RICK R. SMITH, CAL. SBN 232908  
 rsmith@dykema.com  
 4 DYKEMA GOSSETT, LLP  
 333 S. Grand Ave., Suite 2100  
 5 Los Angeles, CA 90071  
 Telephone: (213) 457-1800  
 6 Facsimile: (213) 457-1850

7 *Attorneys for Defendant Barclays Capital Real Estate, Inc.*  
 8 *dba HomEq Servicing*  
 9 *(Admitted pro hac vice)*

10 **UNITED STATES DISTRICT COURT**  
 11 **FOR THE DISTRICT OF NEVADA**

12 NOAH-LAS VEGAS FOUNDATION  
 CORPORATION, et al.,

Case: 2:11-cv-00692-GMN-GWF

13 Plaintiffs,

14 vs.

15 WELLS FARGO BANK, N.A., a  
 national banking association; WELLS  
 16 FARGO HOME MORTGAGE, a  
 national banking association; et al.,

**ORDER**  
**DISMISSING FIRST AMENDED**  
**COMPLAINT AS TO**  
**DEFENDANT BARCLAYS**  
**CAPITAL REAL ESTATE, INC.**  
**DBA HOMEQ SERVICING AND**  
**EXPUNGING LIS PENDENS**

17 Defendants.  
 18  
 19  
 20  
 21  
 22  
 23  
 24  
 25  
 26  
 27  
 28

1 On May 28, 2011, Plaintiff Roselle Panon filed a Notice of Lis Pendens in  
2 this action regarding the property located at 4325 San Gabriel Hill Avenue, Las  
3 Vegas, Nevada 89115, County of Clark, State of Nevada, APN 123-29-210-009 (the  
4 “Lis Pendens”).

5 On August 3, 2011, this Court issued a minute order for Plaintiffs to show  
6 cause (“OSC”) why the action should not be dismissed based on Plaintiffs’ failure to  
7 prosecute the action. *See* Docket No. 87. The OSC required Plaintiffs to respond by  
8 August 18, 2011. *Id.*

9 On August 16, 2011, Defendant Barclays Capital Real Estate, Inc. dba  
10 HomEq Servicing (“HomEq”), a Delaware corporation erroneously named in this  
11 action as “HomEq Servicing, ” filed a Motion To Quash Service Or, In The  
12 Alternative, Dismiss First Amended Complaint (“Motion”). *See* Docket No. 97.  
13 The Motion requested that the Court dismiss Plaintiffs’ first amended complaint in  
14 its entirety as to HomEq, with prejudice and without leave to amend, and also that  
15 the Court order Plaintiff Roselle Panon to expunge the Lis Pendens.

16 On August 25, 2011, the Court found that Plaintiffs had not responded to the  
17 OSC. Accordingly, the Court entered a minute order (“Order”) on August 25, 2011,  
18 granting the Motion as “unopposed.” *See* Docket No. 99.

19 In light of the Order, Plaintiffs’ failure to oppose the Motion, and Plaintiffs’  
20 failure to show cause or otherwise respond to the OSC, and good cause having been  
21 shown,

22 IT IS HEREBY ORDERED as follows:

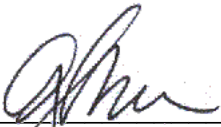
- 23 1. HomEq’s Motion To Quash Service Or, In The Alternative, Dismiss First  
24 Amended Complaint is GRANTED in its entirety, without leave to amend;
- 25 2. The first amended complaint and each and every cause of action alleged  
26 therein against HomEq is DISMISSED with prejudice;
- 27 3. The Notice of Lis Pendens recorded by Plaintiffs against the title to the  
28 property located at 4325 San Gabriel Hill Avenue, Las Vegas, Nevada 89115,

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

County of Clark, State of Nevada, APN 123-29-210-009, and/or any similar document recorded by Plaintiffs as to such property, is hereby EXPUNGED and is no longer of any force or effect.

**IT IS SO ORDERED.**

**DATED** this 2nd day of September, 2011.

  
\_\_\_\_\_  
Gloria M. Navarro  
United States District Judge

**CERTIFICATE OF SERVICE**

Pursuant to Local Rule 5-1, I hereby certify that I electronically submitted a copy of the foregoing document, entitled **[PROPOSED] ORDER DISMISSING FIRST AMENDED COMPLAINT AS TO DEFENDANT BARCLAYS CAPITAL REAL ESTATE, INC. DBA HOMEQ SERVICING AND EXPUNGING LIS PENDENS**, to the Clerk of the Court for the United States District Court for the District of Nevada using the CM/ECF system for filing and transmittal of a Notice of Electronic Filing to all counsel of record in this matter; all counsel being registered to receive such Notices of Electronic Filing.

By: /s/ Fredrick S. Levin  
Fredrick S. Levin, Esq.  
Dykema Gossett, LLP

PAS01\221439.1  
ID\RRS - 088719/0083