

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

ALETA ROSE GOODWIN, ROBERT PAUL)
MCCARTOR; LISA CHENEY and DARRIN)
CHENEY; HEATHER GABEL; MICHAEL R.)
TIERNEY and FREDERICK TULIP; LINDA)
R. BARBA; JOAQUIN AREVALO; DANIEL)
COSLOW; ROSA M. DIAZ and SERGIO)
DIAZ; PAMELA HORTON; VICTOR PARECE;)
CODY PREMO; GEORGE W. PREMO, III;)
MATTHEW ROBERT ROBINSON and TONYA)
DAWN ROBINSON; JAMES SANDBORN;)
CYNTHIA FLAGG and CHARLES FLAGG;)
JANICE GANNON; WILLIAM DAN KLUTTZ;)
BRIAN E. JONES; JOAN BLAKE and)
ROBBIE MCKINNEY; JAMES H. MULLENNIX)
and JEANNE K. MULLENNIX; HEATHER)
MONAHAN and GEORGE R. MORENO;)
TRAVIS RAWLINGS and SYLVIA)
RAWLINGS; JOHN SULLIVAN and DEBBIE)
SULLIVAN; SIGNE STEHMAN; JOSEPH E.)
THURSTON and ARLENE THURSON; JESUS)
TOVAR; and JOHN F. WILBURN and)
ROSALIE W. WILBURN, individually)
and on behalf of a class of)
similarly situated individuals,)

Plaintiffs,)

vs.)

EXECUTIVE TRUSTEE SERVICES, LLC;)
COUNTRYWIDE HOME LOANS, INC., a New)
York corporation; MERSCORP, INC. a)
Virginia corporation; MORTGAGE)
ELECTRONIC REGISTRATION SYSTEMS,)

3:09-cv-00306-ECR-PAL
MINUTES OF THE COURT
DATE: October 5, 2011

INC., a subsidiary of MERSCORP,)
 INC., a Delaware corporation;)
 RECONTRUST COMPANY; SAXON MORTGAGE)
 SERVICES, INC.; T.D. SERVICE)
 COMPANY; DEUTSCHE BANK NATIONAL)
 TRUST COMPANY; OCWEN LOAN)
 SERVICING, LLC; WESTERN)
 PROGRESSIVE, LLC; AHMSI DEFAULT)
 SERVICES, INC.; QUALITY LOAN)
 SERVICE CORPORATION; NATIONAL)
 DEFAULT SERVICING CORPORATION;)
 AZTEC FORECLOSURE CORPORATION; BANK)
 OF NEW YORK, as successor to J.P.)
 Morgan Chase Bank, N.A., as Trustee)
 to BSALTA 2005-1; OLD REPUBLIC)
 DEFAULT MANAGEMENT SERVICES, a)
 division of Old Republic National)
 Title Insurance Company; LITTON)
 LOAN SERVICING, L.P.; FEDERAL HOME)
 LOAN MORTGAGE CORPORATION, a)
 Virginia corporation; FEDERAL)
 NATIONAL MORTGAGE ASSOCIATION, a)
 District of Columbia corporation;)
 GMAC MORTGAGE, LLC, a Delaware)
 corporation; NATIONAL CITY)
 MORTGAGE, a foreign company and a)
 division of NATIONAL CITY BANK, a)
 subsidiary of National City)
 Corporation; NATIONAL CITY)
 CORPORATION, a Delaware corporation)
 and subsidiary of PNC Financial)
 Services, Inc.; NATIONAL CITY BANK;)
 PNC FINANCIAL SERVICES, INC., a)
 Pennsylvania corporation; J.P.)
 MORGAN CHASE BANK, N.A., a New York)
 corporation; CITIMORTGAGE, INC., a)
 New York Corporation; HSBC BANK,)
 U.S.A.; HSBC MORTGAGE CORPORATION,)
 U.S.A., a Delaware corporation;)
 UNITED GUARANTY CORPORATION, a)
 foreign corporation; WELLS FARGO)
 BANK, N.A., a California)
 corporation dba WELLS FARGO HOME)
 EQUITY and dba WELLS FARGO HOME)
 MORTGAGE, a division of WELLS FARGO)

BANK, N.A., a California)
corporation; BANK OF AMERICA, N.A.,)
a Delaware corporation; GE MONEY)
BANK, an Ohio corporation; WMC)
MORTGAGE CORP.; IB PROPERTY)
HOLDINGS, LLC; and MTC FINANCIAL,)
INC. dba TRUSTEE CORPS.,)
)
Defendants.)
_____)

PRESENT: EDWARD C. REED, JR. U. S. DISTRICT JUDGE

Deputy Clerk: COLLEEN LARSEN Reporter: NONE APPEARING

Counsel for Plaintiff(s) NONE APPEARING

Counsel for Defendant(s) NONE APPEARING

MINUTE ORDER IN CHAMBERS

On July 8, 2011, Defendant Saxon Mortgage Services, Inc. ("Saxon") filed a motion (#549) to vacate injunction. Plaintiff Heather Gabel responded (#552) and Defendant Saxon filed a reply (#557) in support of its motion.

This Court never entered any injunction in the case. Rather, the parties entered into a stipulation (#26), approved by the Court (#28), whereby Defendant Saxon agreed not to foreclose upon Plaintiff Gabel's property, and Plaintiff Gabel agreed to keep taxes and insurance on the property current. By its own terms, the stipulation was to dissolve once the claims against Saxon were resolved. (Stip. Between Pls. & Defs. Regarding Prelim. Inj. Hrg. ("Stipulation") ¶ 3 (#26).) Plaintiffs, however, have objection to the motion to vacate.

Plaintiff's objections to the motion are without merit. The MDL Court dismissed all of Plaintiff's MERS-related claims against Saxon on September 30, 2010. In re Mortg. Elec. Registration Sys. (MERS) Litig., 744 F. Supp. 2d 1018, 1036 (D. Ariz. 2010). Plaintiffs filed an amended complaint in the MDL Court which does not name Saxon as a defendant. (Def.'s Mot. Vacate Inj. at 2.) On December 2, 2010, this Court dismissed (#546) Plaintiff's only remaining claim against Saxon made in the amended

complaint (#443) filed in this court. Accordingly, there is no basis for the stipulation to remain in effect.

IT IS, THEREFORE, HEREBY ORDERED that Defendant Saxon's motion (#549) to vacate is **GRANTED**. The stipulation (#26) approved by the Court (#28) on June 22, 2009 is vacated as to Defendant Saxon.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk