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6 UNITED STATES DISTRICT COURT
7 DISTRICT OF NEVADA

8 ROBERT L. FITZGERALD,)
9)
10 Plaintiff,)
11 vs.)
12 QUALITY LOAN SERVICE CORP et al.,)
13 Defendants.)

3:10-cv-00001-RCJ-VPC

ORDER

14 This is a standard foreclosure case involving one property. The Complaint is a thirty-
15 nine-page MERS-conspiracy-type complaint listing six causes of action. Judge Teilborg has
16 partially remanded the case from Case No. 2:09-md-02119-JAT in the District of Arizona,
17 permitting this Court to rule on the claims of unjust enrichment, injunctive relief, declaratory
18 relief, and reformation. (See Order 8:24-9:2, June 4, 2010, ECF No. 37). The Court previously
19 dismissed all claims except that for injunctive and declaratory relief based on statutorily
20 defective foreclosure. It appeared the foreclosing entity, Quality Loan Services Corp., had been
21 substituted as trustee by IndyMac, and IndyMac's interest in the note at the time of substitution
22 was unclear because it had obtained the note from CTX Mortgage Co., Inc. ("CTX") via
23 purported transfer by MERS, whose ability to make such a transfer was unclear. CTX has
24 moved to dismiss because it is not alleged to have been involved in the foreclosure and it
25 expressly disclaims by affidavit any interest in the note or deed or trust. CTX also attests that it

1 personally transferred its interest in the note and deed of trust to the FDIC as receiver for
2 IndyMac in 2005. The Court therefore grants the motion and dismisses all remanded claims as
3 against CTX. The Court does not purport to dismiss any claims against CTX that remain
4 pending before Judge Teilborg.

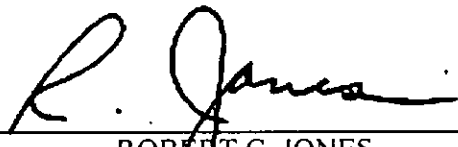
5 **CONCLUSION**

6 IT IS HEREBY ORDERED that the Motion to Dismiss (ECF No. 60) is GRANTED.

7 IT IS FURTHER ORDERED that the Motion for Relief from Order Setting Settlement
8 Conference is GRANTED (ECF No. 59).

9 IT IS SO ORDERED.

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11 Dated this 23rd day of March, 2011.

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14 ROBERT C. JONES
15 United States District Judge
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