

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA
RENO, NEVADA

CYNTHIA F. ROBERTS,)	3:10-CV-00025-ECR-VPC
)	
Plaintiff,)	MINUTES OF THE COURT
)	
vs.)	DATE: July 14, 2010
)	
FIRST HORIZON HOME LOAN CORPORATION;)	
LANDAMERICA ONESTOP, INC., METLIFE HOME)	
LOANS, a division of METLIFE BANK, N.A.;)	
COUNTRYWIDE HOME LOANS, INC., a New)	
York corporation; BANK OF AMERICA)	
CORPORATION, N.A.; JOHN ROUSSEL,)	
individually; MERSCORP, INC., a Virginia)	
corporation; MORTGAGE ELECTRONIC)	
REGISTRATION SYSTEM, INC., a subsidiary)	
of MERSCORP, INC., a Delaware)	
corporation, [MERS]; and DOES 1-25)	
CORPORATIONS; DOES and ROES 1-25)	
Individuals, Partnerships, or anyone)	
claiming any interest to the property,)	
)	
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

Defendant Metlife Bank, NA filed, on June 10, 2010, a motion (#38) asking us to reconsider our Order (#37) granting Plaintiff's motion to remand (#4) and denying as moot Plaintiff's motion to stay (#5) and Defendants' motions (## 20, 21) to dismiss. For the following reason, and on the following basis, Defendant's motion (#38) will be granted.

On March 25, 2010, the claims in this case related the formation and/or operation of MERS were transferred to the United States District Court for the District of Arizona. All claims that were not MERS-related were simultaneously transferred to the District of Nevada. Five days later, on March 30, 2010, Judge Teilborg, in the District of Arizona, who presides over the MDL proceedings in this case, denied all pending motions without prejudice. (Mot. to Reconsider, Ex. 3 (#38).) The parties failed

to bring the latter order to our attention, or address its effect on the motions which remained listed as pending on our docket.

Defendant contends that pursuant to Judge Teilborg's order denying all pending motions, Plaintiff's motion (#4) to remand was denied and was therefore not pending when we issued our ruling. We disagree. The MDL court in the District of Arizona did not have jurisdiction over the claims unrelated to the formation and/or operation of MERS at the time it issued its order denying all pending motions. Similarly, we did not have jurisdiction over, and thus could not remand, the claims in this case related to the formation and/or operation of MERS. Those claims were and remain under the jurisdiction of the District of Arizona.

Nevertheless, because certain claims in this case remain under the jurisdiction of the District of Arizona, our Order remanding other claims to state court was erroneous. Plaintiff's claims unrelated to the formation and/or operation of MERS will remain in our court, and Plaintiff's motion (#4) to remand will be denied.

Finally, we note that Judge Teilborg requested, on March 30, 2010, that the parties brief the issue of which claims in Plaintiff's case were remanded to our court pursuant to the initial transfer and remand order. It appears that issue has been fully briefed by the parties, but that Judge Teilborg has not yet issued his ruling. In light of this circumstance, we will deny Defendants' motions to dismiss (## 20, 21) without prejudice. Defendants may re-file their motions or to file new motions to dismiss following Judge Teilborg's ruling, which presumably will clarify which claims in this remain within our jurisdiction, and which lie within the jurisdiction of Judge Teilborg.

IT IS, THEREFORE, HEREBY ORDERED that the Defendant's motion to reconsider (#38) is **GRANTED** on the following basis:

- Our Order (#37) is **VACATED**.
- Plaintiff's motion to remand (#4) is **DENIED**.
- Defendants' motions (## 20, 21) to dismiss are **DENIED** without prejudice.
- Plaintiff's "Motion to Stay Federal Proceeding Pending Ruling on Motion for Remand" (#5) is **DENIED**.

LANCE S. WILSON, CLERK

By /s/
Deputy Clerk