

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

<input type="checkbox"/> FILED	<input type="checkbox"/> RECEIVED
<input type="checkbox"/> ENTERED	<input type="checkbox"/> SERVED ON
COUNSEL/PARTIES OF RECORD	
<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;"> <p><b>MAY 17 2013</b></p> </div>	
CLERK US DISTRICT COURT DISTRICT OF NEVADA	
BY: _____	DEPUTY

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

ALMA L. SARABIA and JUAN A. SARABIA, )  
 Plaintiffs, )  
 v. )  
 SIERRA PACIFIC MORTGAGE COMPANY, )  
 INC., et al., )  
 Defendants. )

3:11-cv-810-RCJ-VPC  
**ORDER**

Currently before the Court is a Motion to Expunge Lis Pendens (#32).

**DISCUSSION**

In November 2011, Plaintiffs Alma Sarabia and Juan A. Sarabia filed a second amended complaint ("SAC")<sup>1</sup> in this Court. (SAC (#8)). In the SAC, Plaintiffs sued Sierra Pacific Mortgage Company, Inc.; Greenhead Investments, Inc.; BAC Home Loans Servicing, LP fka Countrywide Home Loans Servicing, LP; and Federal Home Loan Mortgage Corp. (*Id.* at 1). In the SAC, Plaintiffs alleged causes of action for: (1) declaratory relief; (2) violation of Truth in Lending Act ("TILA"), 15 U.S.C. § 1641(f)(2); (3) debt collection violations, NRS § 649.370; (4) unfair and deceptive trade practices; (5) quiet title; (6) rescission, mistake, and void agreement; and (7) cancel notices of default and trustee's deed upon sale based on wrongful foreclosure. (*Id.* at 3-14).

In March 2012, Defendants Bank of America and Federal Home Loan Mortgage Corp.

---

<sup>1</sup> The second amended complaint is mislabeled as the "First Amended Complaint." (See SAC (#8) at 1). Plaintiffs filed a notice of errata stating that the document entitled "First Amended Complaint" was improperly titled and should have stated "Second Amended Complaint." (Notice of Errata (#10) at 1).

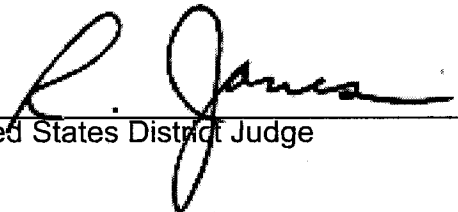
1 (collectively "Defendants") filed a motion to dismiss the complaint in its entirety. (See Mot. to  
2 Dismiss (#18)). On July 9, 2012, this Court granted the motion to dismiss all causes of action  
3 without leave to amend. (Order (#27) at 6-9). The Court also *sua sponte* dismissed the  
4 remaining defendants in the case. (*Id.* at 9). The Clerk of the Court entered judgment in the  
5 case. (Judgment (#28) at 1).

6 Defendants now file a motion to expunge lis pendens. (Mot. to Expunge (#32) at 1).  
7 Plaintiffs did not file a response. (See Notice of Non-Opp'n (#33) at 1). The Court grants the  
8 motion to expunge lis pendens because there are no remaining claims left in this case.

9 **CONCLUSION**

10 For the foregoing reasons, IT IS ORDERED that the Motion to Expunge Lis Pendens  
11 (#32) is GRANTED.

12  
13 DATED: This 17th day of May, 2013.

14  
15   
16 United States District Judge