NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

MCINTYRE BLONDEL, *et al.*, Plaintiff, v. BANK OF AMERICA, N.A., *et al.*, Defendant.	Civil Action No.: 13-5614 **ORDER**

CECCHI, District Judge.

This matter comes before the Court on the Report and Recommendation ("R&R") of Magistrate Judge James B. Clark to dismiss certain plaintiffs and defendants from this action under Fed. R. Civ. P. 37(b)(2) and Fed. R. Civ. P. 41(b). (ECF No. 214). It appearing that:

1. No objections to Judge Clark's R&R were filed by the May 12, 2015 deadline.
2. The Complaint in this case was filed by The Resolution Law Group, P.C. on behalf of ninety-eight (98) Plaintiffs against thirty-eight (38) Defendants (all mortgage banks, lenders, and servicers) in connection with residential loans. (*See* ECF No. 30.)
3. After a court in the Middle District of Florida issued an *ex parte* temporary restraining order enjoining The Resolution Law Group, P.C. from representing Plaintiffs in any case (*see* ECF No. 172-1), Judge Clark issued an order terminating The Resolution Law Group, P.C. as counsel for Plaintiffs. (ECF No. 180.)
4. On February 11, 2015, Judge Clark issued an order directing each Plaintiff who wished to move forward with the case to file a letter identifying only the Defendant(s) against whom

s/he had a claim. (ECF No. 194.) In accordance with Judge Clark's order, ten Plaintiffs[1] responded by writing letters to the Court identifying the particular defendants against whom they had claims. (*See* ECF Nos. 195-203, 206.) Subsequently, Judge Clark issued an R&R recommending dismissal of all Plaintiffs and Defendants not involved in any identified claims. (ECF No. 214.)

5. It has come to the attention of this Court that Judge Madeline Cox Arleo addressed a similar matter in this district involving The Resolution Law Group, P.C. In that case, Judge Arleo issued a Letter Opinion & Order on June 26, 2015 dismissing all claims without prejudice, and granting each plaintiff leave to file a new complaint against specific defendants. *See* Letter Opinion & Order, *Peralta, et al. v. AMRO Mortgage Group, Inc., et al.*, No. 13-5607 (D.N.J. June 26, 2015), ECF No. 225. In her order, Judge Arleo noted:

> Under the circumstances, the Court is satisfied that the fairest and most efficient way to proceed for those plaintiffs who wish to pursue their claims is to dismiss the present complaint without prejudice in its entirety, with leave granted to each plaintiff to file separate new complaints . . . . Each individual new complaint shall specify the claims asserted and the defendants involved.

Id.

6. This Court has considered the background and history of this case along with Judge Clark's R&R and finds that an approach similar to Judge Arleo's is appropriate in this case. Therefore, the Court will dismiss the Complaint (ECF No. 30-1) without prejudice, in its entirety. Each Plaintiff will be granted leave to file a separate new complaint that specifies the claims asserted and the defendant(s) involved. Each new complaint shall be filed with the Clerk's office under the docket number of this case (13-5614). After the new

[1] The ten plaintiffs are Jacob Dobbs, Dawn M. Irvin, Don Zadok, Mohammad Haghighi, Stephen M. Babbit, Biji Ninan, Timothy E. McDaniel, Michael Byrne, Kenneth Boyle, and Elaine Ellerbee-Nurse.

complaints are filed, the Court will consider severing each complaint so that it may proceed separately. *See* Fed. R. Civ. P. 21.

Accordingly,

IT IS on this 5 day of January, 2017,

ORDERED that this Court adopts Judge Clark's Report and Recommendation to the extent it recommends dismissal without prejudice; and it is further

ORDERED that the Complaint (ECF No. 30-1) is hereby **DISMISSED WITHOUT PREJUDICE**, in its entirety to allow for the following procedure; and it is further

ORDERED each Plaintiff is granted leave to file, **by no later than thirty (30) days after the entry of this Order**, a new complaint against a specific defendant (or specific defendants); and it is further

ORDERED that each new complaint shall be filed with the Clerk's office under this docket number.

SO ORDERED.

CLAIRE C. CECCHI, U.S.D.J.