

IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH  
CENTRAL DIVISION

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MICHAEL J. VAN LEEUWEN,

Plaintiff,

vs.

INTERMOUNTAIN MORTGAGE  
COMPANY, INC., et al.,

Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING DEFENDANTS'  
MOTION TO DISMISS

Case No. 2:10-cv-744 TS

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The Court has before it Defendants Mortgage Electronic Registration Systems, Inc., BAC Home Loans Servicing, L.P., and ReconTrust Company, N.A.'s (collectively, "Defendants") Motion to Dismiss Plaintiff's Complaint pursuant to Fed.R.Civ.P. 12(b)(6).<sup>1</sup> Defendants contend that each of the causes of action alleged in the Complaint have been repeatedly rejected by this Court and rely upon meritless misinterpretations of case law and Utah statutes. The Court agrees. In reviewing Plaintiff's arguments, the Court finds no meaningful distinction between this cause of action and the numerous actions the Court has previously dismissed. As

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<sup>1</sup>Docket No. 10. All other Defendants have been dismissed from this action previously.

persuasively demonstrated by Defendants in their memoranda, the present claims have been considered, and rejected, by this Court. The Court finds no reason to depart from its prior holdings that these claims fail as a matter of law.

Because Plaintiff has failed to plead a cause of action upon which relief may be granted, it is therefore

ORDERED that Defendants' Motion to Dismiss (Docket No. 10) is GRANTED. It is further

ORDERED that Plaintiff's Counsel's Motion to Withdraw as Counsel (Docket No. 23) is DENIED AS MOOT.

The Clerk of the Court is directed to close this case forthwith.

DATED May 9, 2011.

BY THE COURT:

  
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TED STEWART  
United States District Judge