

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

BRIAN S. GRAFF and CAMI J. GRAFF,
Plaintiffs,

vs.

STEARNS LENDING, INC.; MERS;
RECONTRUST CO.; BAC HOME LOANS
SERVICING, and Does 1-10,
Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS

Case No. 2:10-CV-1044 TS

The Court has before it Defendants ReconTrust Company, N.A., Mortgage Electronic Registration Systems, Inc., and BAC Home Loans Servicing's (collectively, "Defendants") Motion to Dismiss Plaintiffs' Complaint pursuant to Fed.R.Civ.P. 12(b)(6).¹ 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. In response, Plaintiffs admit that this Court has repeatedly rejected similar claims, but argue that the Court's

¹Docket No. 5. Defendant Stearns Lending, Inc. was previously dismissed from this matter.

prior holdings are in error. In reviewing Plaintiffs' arguments, however, the Court finds no meaningful distinction between this cause of action and the numerous actions the Court has previously dismissed. As persuasively demonstrated by Defendants in their memoranda, this Court's prior orders are founded in well-established law. The Court finds no reason to depart from its prior holdings that these claims fail as a matter of law.

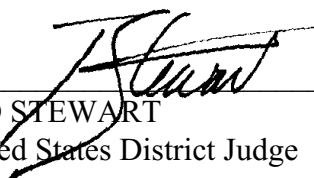
Because Plaintiffs have failed to plead a cause of action upon which relief may be granted, it is therefore

ORDERED that Defendants' Motion to Dismiss (Docket No. 5) is GRANTED.

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

DATED May 12, 2011.

BY THE COURT:



TED STEWART
United States District Judge