

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

DEWAYNE RUFFELL AND AMY C.  
RUFFELL,

Plaintiffs,

vs.

BAC HOME LOANS SERVICING, LP;  
MORTGAGE ELECTRONIC SYSTEMS,  
INC.; SCME MORTGAGE INC.; DOES 1-  
10;

Defendants.

MEMORANDUM DECISION AND  
ORDER GRANTING DEFENDANTS'  
MOTION TO DISMISS

Case No. 2:11-CV-25 TS

The Court has before it Defendants BAC Home Loans Servicing, L.P. and Mortgage Electronic Registration Systems, Inc.'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. In response, Plaintiffs admit that this Court has repeatedly rejected related claims, but argues that the claims raised in Plaintiffs'

---

<sup>1</sup>Docket No. 9.

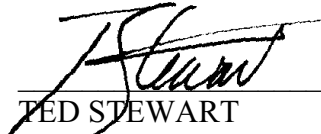
Complaint are distinguishable from these precedents. In reviewing Plaintiffs' arguments, however, the Court finds no meaningful distinction between this cause of action and the numerous actions the Court has previously dismissed. As persuasively demonstrated by Defendants in their memoranda, the present claims have been considered, and rejected, by this Court. The Court, therefore, 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. 9) is GRANTED.

DATED May 5, 2011.

BY THE COURT:



---

TED STEWART  
United States District Judge