

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

BART HINER and NIKKI HINER,
Plaintiffs,

vs.

SELENE FINANCE, LP; AMERICAN
HOME MORTGAGE SERVICING, INC.;
and OPTION ONE MORTGAGE;
Defendants.

MEMORANDUM DECISION AND
ORDER GRANTING DEFENDANTS'
MOTIONS TO DISMISS

Case No. 2:11-CV-261 TS

The Court has before it Defendants Selene Finance, LP and American Home Mortgage Servicing, Inc.'s (collectively, "Defendants") Motions to Dismiss Plaintiff's 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. The Court agrees. In reviewing Plaintiffs' arguments, the Court finds no meaningful distinction between this cause of action and the numerous actions the Court

¹Docket Nos. 4-3 & 5. Defendant Option One Mortgage was removed from this action per Plaintiffs' Second Amended Complaint. *See* Docket No 4-7.

has previously dismissed. As 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.

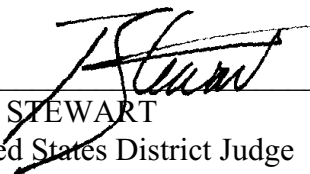
Because Plaintiffs have failed to plead a cause of action upon which relief may be granted, it is therefore

ORDERED that Defendants' Motions to Dismiss (Docket Nos. 4-3 & 5) are GRANTED. Plaintiffs' claims are DISMISSED WITH PREJUDICE.

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

DATED May 26, 2011.

BY THE COURT:



TED STEWART
United States District Judge