

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Mar 25, 2016

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

BARRY K. BROWN,

No. 2:15-CV-0199-SMJ

Plaintiff,

**ORDER DISMISSING FIRST
AMERICAN TITLE COMPANY
AS A DEFENDANT WITHOUT
PREJUDICE**

v.

COUNTRYWIDE HOME LOANS,
INC., a California corporation; BANK
OF AMERICA, N.A., a national bank
doing business in Washington state;
NORTHWEST TRUSTEE SERVICES,
INC., a trustee doing business in
Washington state; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., aka MERS, a
corporation doing business in
Washington state; FIRST AMERICAN
TITLE COMPANY, successor in
interest to Pacific Northwest Title
Company, a Trustee doing business in
Washington state; NATIONSTAR
MORTGAGE, LLC, a limited liability
company; and DOES 1-100, inclusively
and All Persons Unknown, Claiming
Any Legal Or Equitable Right, Title,
Estate, Lien, Or Interest In The Property
Described In The Complaint Adverse
To Plaintiff's Title, Or Any Cloud On
Plaintiff's Title Thereto,

Defendants.

1 Before the Court, without oral argument, is Defendant First American Title
2 Company's Motion to Dismiss Plaintiff's Complaint for Failure to State a Claim
3 Upon Which Relief can be Granted, ECF No. 17. Having reviewed the pleadings
4 and the file in this matter, the Court is fully informed and grants the motion.

5 A pleading that states a claim for relief must contain a short and plain
6 statement of the claim showing that the pleader is entitled to relief. Fed. R. Civ.
7 Proc. 8(a)(2). First American's name appears exactly once in the complaint—in
8 the caption. Because the complaint fails to state a short and plain statement of the
9 claim against First American, First American is dismissed from the action without
10 prejudice.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 **1.** Defendant First American's Motion to Dismiss Plaintiff's Complaint
13 for Failure to State a Claim Upon Which Relief can be Granted, **ECF**
14 **No. 17, is GRANTED.**

15 **2.** First American Title Company is **DISMISSED WITHOUT**
16 **PREJUDICE.**

17 **3.** The Clerk's Office is directed to **AMEND** the caption to read:

18 BARRY K. BROWN,

19 Plaintiff,


20 v.

1 COUNTRYWIDE HOME LOANS, INC., a California
2 corporation; BANK OF AMERICA, N.A., a national
3 bank doing business in Washington state;
4 NORTHWEST TRUSTEE SERVICES, INC., a trustee
5 doing business in Washington state; MORTGAGE
6 ELECTRONIC REGISTRATION SYSTEMS, INC.,
7 aka MERS, a corporation doing business in Washington
8 state; NATIONSTAR MORTGAGE, LLC, a limited
9 liability company; and DOES 1-100, inclusively and All
10 Persons Unknown, Claiming Any Legal Or Equitable
11 Right, Title, Estate, Lien, Or Interest In The Property
12 Described In The Complaint Adverse To Plaintiff's
13 Title, Or Any Cloud On Plaintiff's Title Thereto,

14 Defendants.

15 **IT IS SO ORDERED.** The Clerk's Office is directed to enter this Order
16 and provide copies to all counsel.

17 **DATED** this 25th day of March 2016.

18 
19 _____
20 SALVADOR MENDEZ, JR.
United States District Judge