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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT SEATTLE

8 KENNETH H. YOUNG,

9 Plaintiff,

10 v.

11 QUALITY LOAN SERVICE CORP.
12 WASHINGTON, WELLS FARGO BANK,
13 N.A., HOMESTONE MORTGAGE, INC.,
14 FEDERAL HOME LOAN MORTGAGE
15 CORPORATION, a/k/a "FREDDIE MAC",
16 MORTGAGE ELECTRONIC REGISTRATION
17 SYSTEMS, INC., a/k/a "MERS", and DOES
18 1-10,

19 Defendants.

No. 2:14-cv-01713-RSL

ORDER GRANTING COBALT
MORTGAGE, INC.'S MOTION
TO DISMISS

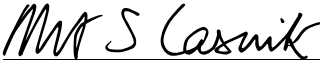
20 This matter came before the Court on Defendant Cobalt Mortgage, Inc.'s unopposed
21 "Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6)." Dkt. # 14. Having reviewed the
22 memoranda and exhibits submitted by defendant, the Court finds as follows:

23 Plaintiff's claim for rescission cannot succeed based on the allegations of the complaint.
24 Because a notice of rescission was not provided until after the three-year statute of repose had
25 expired, plaintiff's underlying Truth in Lending Act claim is barred and his related claims
26 (breach of contract, RICO, and civil conspiracy) therefore fail.¹ Nor has plaintiff alleged facts
27 giving rise to a plausible inference that he is entitled to quiet title. Cobalt's motion to dismiss

¹ Although defendant has provided evidence from which one could conclude that the remedy of rescission is not applicable to plaintiff's mortgage because it was a "residential mortgage transaction" as defined in 15 U.S.C. §1602(x), that evidence has not been considered in the context of this motion to dismiss. Plaintiff has specifically alleged that the transaction secured by his home "was not entered into for the purpose of initial acquisition or construction of that home." Complaint at ¶48.

1 is therefore GRANTED and all claims asserted against it in this litigation are hereby
2 DISMISSED with prejudice.

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4 Dated this 15th day of January, 2015.

5 
6 Honorable Robert S. Lasnik
7 United States District Court Judge
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