

THE HONORABLE JUDGE RICHARD A. JONES

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

MARTA D. LYALL,)
)
 Plaintiff,)
)
 v.)
)
 U.S. BANK NATIONAL)
 ASSOCIATION; TRUMAN TITLE 2013)
 SC3 TITLE TRUST; TRUMAN)
 CAPITAL ADVISORS, LP;)
 RUSHMORE LOAN MANAGEMENT)
 SERVICES, LLC; BANK OF AMERICA,)
 N.A.; DITECH HOME LOAN)
 SERVICING; CWABS MASTER)
 TRUST, REVOLVING HOME EQUITY)
 LOAN ASSET BACKED NOTES,)
 SERIES 2004-"O"; CARNEGIE)
 MELLON UNIVERSITY; UNIVERSITY)
 OF WASHINGTON; WASHINGTON)
 STATE DEPARTMENT OF)
 COMMERCE; DISPUTE RESOLUTION)
 CENTER OF KING COUNTY; and)
 JOHN AND JANE DOES 1-100,)
)
 Defendants.)

Case No: 17-00472-RAJ

ORDER

This matter comes before the Court on Defendant University of Washington’s (“UW”) Motion to Dismiss (Dkt. # 34) and Plaintiff’s Temporary Restraining Order Pending Appeal (“TRO”) (Dkt. # 62). The Court warned Plaintiff that if she chooses to respond to UW’s Motion, she must do so no later than Monday, June 26, 2017. Dkt. #

48. Plaintiff did not file a response in opposition to the motion, and therefore the Court considers this an admission that the motion has merit. Local Rules W.D. Wash. LCR 7(b)(2). This is a procedural determination; the Court refrains from commenting on the underlying merits of the motion.

At the same time, Defendants Rushmore Loan Management Services, LLC and U.S. Bank National Association as Legal Title Trustee for Truman 2013 SC3 Title Trust (collectively, “financial defendants”) failed to respond to Plaintiff’s TRO filed on June 22, 2017, and therefore the Court considers this an admission that the motion has merit. *Id.* This is a procedural determination; the Court refrains from commenting on the underlying merits of the motion.

The Court reminds the litigants that it is their duty to pursue and defend this matter. The Court will not do their work for them. Accordingly, both Motions are **GRANTED**. Dkt. ## 34, 62.

The parties must inform the Court immediately upon receipt of the Ninth Circuit’s Order in the pending appeal. The TRO will be in effect until that time.¹

Dated this 27th day of June, 2017.



The Honorable Richard A. Jones
United States District Judge

¹ As stated in several of the Court’s prior orders, this Court has jurisdiction to rule on Plaintiff’s Shoreline, Washington property and not her Memphis, Tennessee property. Therefore, this Order only pertains to Plaintiff’s Shoreline, Washington property.