

UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MASSACHUSETTS
WESTERN DIVISION

In re:)	
)	
RICHARD P. LOTFY and SHARI D. LOTFY)	Chapter 13
)	Case No. 08-40106
)	
RICHARD P. LOTFY and SHARI D. LOTFY)	
Plaintiffs,)	
vs.)	
)	
MORTGAGE ELECTRONIC REGISTRATION)	Adv. Pro. No. 08-04071
SYSTEMS, INC.)	
)	
and)	
)	
INDYMAC BANK, F.S.B.)	
Defendants.)	
)	

**CO-DEFENDANT, MORTGAGE ELECTRONIC REGISTRATION SYSTEM, INC.'S,
MOTION TO DISMISS PLAINTIFFS' COMPLAINT WITH PREJUDICE
PURSUANT TO FED.R.CIV.P. 12(b)(6)**

Co-Defendant, Mortgage Electronic Registration System, Inc. ("MERS"), respectfully moves this Honorable Court to dismiss the complaint (the "Complaint") of Plaintiff/Debtor Richard P. Lotfy and Shari D. Lotfi (collectively the "Plaintiffs") pursuant to Fed.R.Civ.P. 12(b)(6) on the grounds that the Complaint's prayers for relief do not pertain to MERS and fails to state any claim against MERS upon which relief may be granted.

In further support of its motion, MERS submits a Memorandum of Fact and Law filed herewith.

Julia A. Savittal
8/5/08 Allowed.

6/28/08