

DISTRICT OF MASSACHUSETTS

Proceeding Memorandum/Order

In re RICHARD P. LOTFY and SHARI D. LOTFY, 08-40106

In Re: Richard P. and Shari D. Lotfy et al v. IndyMac Bank, FSB

Case Number: 08-04071 (JBR)

Matter:

Chapter:

#23 Motion of Defendant, IndyMac Bank, FSB, To Dismiss Pursuant to Fed.R.Civ.P. 12(b)(7) For Failure to Join An Indispensable Party Pursuant to Fed.R.Civ.P. 19.

MOVANT/APPLICANT/PARTIES

Rosaleen J. Clayton for Plaintiffs
John T. Precobb for Defendant

COURT ACTION:

Show Cause Order _____ Released _____ Enforced _____
Granted _____ Approved _____ Moot _____
~~#23 Denied~~ #23 _____ Denied without Prejudice _____
_____ Withdrawn in Open Court _____
_____ Sustained _____ Overruled _____
Continued to: _____
Proposed Order to be Submitted by: _____
Stipulation to be Submitted by: _____
Taken Under Advisement _____

DECISION SET OUT MORE FULLY BY COURT AS FOLLOWS:

#23 Denied -

Plaintiff asked to join the FDIC
within 30 days

SO ORDERED:

Joel B. Rosenthal
Joel B. Rosenthal

Dated: 4/8/09