

**UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF ARIZONA**

Minute Entry

Hearing Information:

Debtor: ANDREW C BAILEY
Case Number: 2:09-bk-06979-RTBP **Chapter:** 11
Date / Time / Room: WEDNESDAY, MARCH 24, 2010 02:30 PM 7TH FLOOR #701
Bankruptcy Judge: SARAH SHARER CURLEY
Courtroom Clerk: WANDA GARBERICK
Reporter / ECR: ANDAMO PURVIS

Matter:

ADV: 2-09-01728

ANDREW C. BAILEY vs THE BANK OF NEW YORK MELLON, FKA THE BAN

HEARING RE Motion to Dismiss Adversary Proceeding DEFENDANTS' MOTION TO DISMISS OR, WITH RESPECT TO CERTAIN CAUSES OF ACTION AND RELIEF SOUGHT, FOR A MORE DEFINITE STATEMENT filed by KYLE S. HIRSCH of BRYAN CAVE LLP on behalf of BAC HOME LOANS SERVICING LP FKA COUNTRYWIDE HOME LOANS, COUNTRYWIDE HOME LOANS, CWALT INC ALTERNATIVE LOAN TRUST, THE BANK OF NEW YORK MELLON, FKA THE BANK OF NEW YORK, THE MORTGAGE ELECTRONIC REGISTRATION SERVICE

R / M #: 18 / 0

Appearances:

ANDREW C BAILEY
KYLE S. HIRSCH, ATTORNEY FOR THE BANK OF NEW YORK MELLON, FKA THE BAN

Proceedings:

Mr. Hirsch states that there is no cause of action to compel discovery. He states that there is no support in the complaint to assert rights in the adversary, and and no facts in the complaint for injunctive relief. Mr. Bailey explains his loan with Countrywide.

COURT: THE COURT CITES IN RE Cervantes v Countrywide Home Loans, Inc., 2009 WL 3157160 (D.Ariz. 2009), AND EXPLAINS TO MR. BAILEY THAT THE COMPLAINT MUST BE IN THE PROPER FORM. IT IS ORDERED THAT MR. BAILEY SHALL HAVE UNTIL APRIL 23, 2010 TO FILE AN AMENDED COMPLAINT. IT IS FURTHER ORDERED CONTINUING THIS HEARING TO APRIL 27, 2010 AT 10:00 A.M.