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10 Counsel for Defendants

11 **IN THE UNITED STATES BANKRUPTCY COURT**
12 **FOR THE DISTRICT OF ARIZONA**

13 In re:

14 ANDREW C. BAILEY,
15 Debtor

Chapter 11 Proceedings

Case No. 2:09-bk-06979-PHX-RTBP

16 ANDREW C. BAILEY,
17 Plaintiff

Adv. Proceeding No. 2:09-ap- 01728-RTBP

18 vs.

19 THE BANK OF NEW YORK MELLON,
20 f/k/a THE BANK OF NEW YORK; CWALT
21 INC. ALTERNATIVE LOAN TRUST; BAC
22 HOME LOANS SERVICING LP, f/k/a
23 COUNTRYWIDE HOMES LOANS;
24 COUNTRYWIDE HOME LOANS; THE
25 MORTGAGE ELECTRONIC
26 REGISTRATION SERVICE,

27 Defendants.

**NOTICE OF HEARING ON
DEFENDANTS' MOTION TO DISMISS,
WITH PREJUDICE, PLAINTIFF'S
FOURTH AMENDED COMPLAINT TO
DETERMINE THE VALIDITY,
PRIORITY OR EXTENT OF A LIEN OR
OTHER INTEREST IN REAL PROPERTY
AND PETITION FOR INJUNCTIVE
RELIEF**

Hearing Date: November 9, 2010

Hearing Time: 10:00 a.m.

Location:

**230 N. First Avenue, 7th Floor
Courtroom 701, Phoenix, AZ**

1 **NOTICE IS HEREBY GIVEN** that the Court will conduct a hearing on November
2 **9, 2010 at 10:00 a.m. at the United States Bankruptcy Court, 230 N. First Avenue, 7th Floor,**
3 **Courtroom 701, Phoenix, Arizona** to consider *Defendants’ Motion To Dismiss, With Prejudice,*
4 *Plaintiff’s Fourth Amended Complaint to Determine the Validity, Priority or Extent of a Lien or*
5 *Other Interest in Real Property and Petition for Injunctive Relief* [DE 55] (“Motion”) filed by
6 the defendants in this adversary proceeding (collectively, “Defendants”). The Motion seeks an
7 order:

- 8 a. dismissing this adversary proceeding in its entirety pursuant to Federal Rule of
9 Civil Procedure 12(b)(6), **with prejudice**; and
10 b. granting such further relief as the Court deems just and proper under the
11 circumstances.

12 **NOTICE IS FURTHER GIVEN** that any responses and/or objections to the Motion
13 shall be filed with the Clerk of the United States Bankruptcy Court and a copy served upon the
14 attorneys for Defendants as set forth below **no later than October 4, 2010:**

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22 If no responses or objections to the Motion are timely filed and served, the Court may
23 vacate the hearing and grant the relief requested in the Motion.

24 DATED this 15th day of September, 2010.

25 **BRYAN CAVE LLP**

26 By: /s/ KSH, 024155
27 Robert J. Miller
28 Kyle S. Hirsch
 Two North Central Avenue, Suite 2200
 Phoenix, Arizona 85004
 Attorneys for Defendants

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COPY of the foregoing served via *e-mail*
this 15th day of September, 2010 upon:

Andrew C. Bailey
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Cornville, AZ 86325
Email: andrew@cameronbaxter.net
Debtor in Pro Per

Office of the U. S. Trustee
230 N. 1st Ave.
Suite 204
Phoenix, AZ 85003-1706
Larry.watson@usdoj.gov

/s/ Donna McGinnis