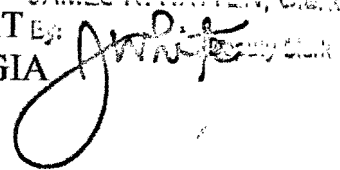


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U.S.D.C. Atlanta

MAR 15 2013

JAMES N. KATTEN, Clerk

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

By: 

VITO J. FENELLO, JR. )  
and BEVERLY H. FENELLO )

Plaintiffs, )

v. )

BANK OF AMERICA, N.A., and )  
THE BANK OF NEW YORK MELLON )  
(as Trustee for CWALT, Inc.), )

Defendants. )  
\_\_\_\_\_ )

CIVIL ACTION FILE  
NO. 1:11-cv-04139-WSD

JURY TRIAL DEMANDED

**PLAINTIFFS' MOTION FOR RECONSIDERATION**

COMES NOW Plaintiffs' Vito J. Fenello, Jr. and Beverly H. Fenello, and files this Motion for Reconsideration for this Court's Order granting Defendants' Motion to Dismiss and for Leave to Amend their Complaint pursuant to LR 7.2(E) and Fed. R. Civ. P. 60(b). In support hereof, Plaintiffs have filed a Memorandum of Law contemporaneously herewith.

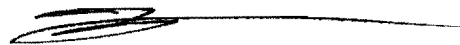
**WHEREFORE, Plaintiffs move the Court for the following relief:**

- 1. That it vacate and set aside its Order granting Defendants' Motion to Dismiss;**
- 2. That it reinstate Plaintiffs' case and direct the Clerk to re-open the case;**
- 3. That it grant Plaintiffs' request for leave to amend their Complaint;**

**In the event the Court grants none of the above, the Plaintiffs further move the court for the following:**

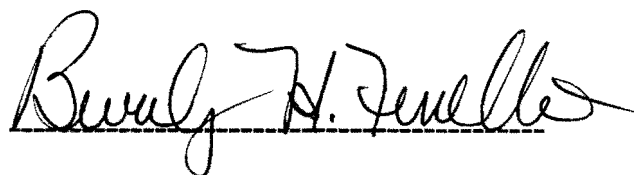
- 4. That it grant Judicial Notice that Select Portfolio Services is to be considered a "Debt Collector" under the FDCPA;**
- 5. That it clarify whether the Judgment as entered by the Clerk means that this case is dismissed with or without prejudice, against one or both Defendants, and whether attorney fees are to be included.**
- 6. For such other and further relief as this Honorable Court deems just and proper.**

**Respectfully submitted this 15<sup>th</sup> day of March, 2013.**



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**Vito J. Fenello, Jr.  
289 Balaban Circle  
Woodstock, GA 30188  
770-516-6922**

A handwritten signature in black ink, reading "Beverly H. Fenello", written over a horizontal dashed line.

**Beverly H. Fenello**  
289 Balaban Circle  
Woodstock, GA 30188