

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	<b>CV 14-0233 FMO (JEMx)</b>	Date	<b>January 28, 2014</b>
Title	<b>Julio Gonzalez-Reyes, et al. v. U.S. Bank, N.A., et al.</b>		

Present: The Honorable	Fernando M. Olguin, United States District Judge		
Vanessa Figueroa	None	None	None
Deputy Clerk	Court Reporter / Recorder	Tape No.	
Attorney Present for Plaintiff(s):	Attorney Present for Defendant(s):		
None Present	None Present		

**Proceedings: (In Chambers) Order to Show Cause Re: Dismissal**

On January 10, 2014, plaintiffs filed a Complaint in this court. However, the jurisdictional allegations appear to be defective because the statute of limitations on the sole federal claim, brought pursuant to the Truth in Lending Act ("TILA"), 15 U.S.C. § 1641(g), has already expired. See 15 U.S.C. § 1640(e) ("[A]ny action under this section may be brought in any United States district court . . . within one year from the date of the occurrence of the violation[.]"). Moreover, because plaintiffs have not disclosed the date on which they discovered the alleged fraud and/or nondisclosures that form the basis of their federal claim, it is unclear whether equitable tolling is applicable. See King v. State of Cal., 784 F.2d 910, 915 (9th Cir. 1986), cert. denied, 484 U.S. 802, 108 S.Ct. 47 (1987) ("[E]quitable tolling may, in appropriate circumstances, suspend the limitations period until the borrower discovers or had reasonable opportunity to discover the fraud or nondisclosures that form the basis of the TILA action."). Accordingly, IT IS ORDERED that:

1. No later than **February 7, 2014**, plaintiffs shall either file: (1) a First Amended Complaint addressing the deficiencies noted above; or (2) show cause in writing why this action should not be dismissed for the reasons noted above. Failure to submit a response by the deadline set forth above may be deemed as consent to the dismissal of the action without prejudice. Defendants may submit a response in the same time period.

2. A copy of all papers filed with the court shall be delivered to the drop box outside chambers at Suite 520, Spring Street Courthouse, 312 North Spring Street, **no later than 12:00 noon the following business day**. All chambers copies shall comply fully with the document formatting requirements of Local Rule 11-3, including the "backing" requirements of Local Rule 11-3.5. Counsel may be subject to sanctions for failure to deliver a mandatory chambers copy in full compliance with this Order and Local Rule 11-3.

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 Initials of Preparer      vdr  
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