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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BUILDERS BANK, an Illinois Bank Corporation,)	Case No. CV 14-06548 DDP (SHx)
)	
Plaintiff,)	ORDER VACATING DISMISSAL OF THE
)	ACTION
v.)	[Dkt. No. 24.]
)	
ORELAND, LLC, a California limited liability company;)	
TIERRAVIEW, LLC, a)	
California limited liability)	
company; RICHARD PAEK, an)	
individual also known as)	
RICHARD J. PAEK,)	
)	
Defendants.)	
_____)	

On December 12, Defendants filed a motion to dismiss this case on grounds of insufficient pleading and certain statutes of limitations having run. (Dkt. No. 17.) Plaintiff did not file an opposition to the motion by 21 days prior to the hearing date on the motion, as required by local rules, and the Court vacated the hearing and granted the motion to dismiss on the ground that it was unopposed and therefore tacitly consented to. (Dkt. No. 22.)

///

1 Plaintiffs' counsel has filed the present motion, asking the
2 Court to vacate the previous order. (Dkt. No. 24.) Plaintiff's
3 counsel, who practices in Chicago, Illinois, represents to the
4 Court that he was under the impression that the motion would be
5 "presented" to the Court at the hearing, and that the briefing
6 schedule would then be set. (Decl. Richard Grossman, ¶¶ 5-8.)

7 The Northern District of Illinois, where Chicago is located,
8 does indeed appear to use a "presentment" hearing as an initial
9 meeting with the court wherein a briefing schedule may be set. See
10 United States District Court, Northern District of Illinois,
11 "General Rules: Rule 12," <http://www.ilnd.uscourts.gov> (last
12 visited Jan. 29, 2015).

13 The Central District of California, however, does not use the
14 "presentment" system; rather, the Court has a pre-set briefing
15 schedule that follows automatically from the setting of a hearing
16 date. See Central District of California L.R. 7-4, 7-9, 7-10.
17 This schedule is not to be taken lightly, and failure to oppose a
18 motion to dismiss, in particular, may result in dismissal of a
19 claim or action. L.R. 7-12.

20 Good cause having been shown, and in light of the Court's
21 strong policy of deciding cases on the merits, the motion to vacate
22 the dismissal is GRANTED.

23
24 IT IS SO ORDERED.

25
26 Dated: February 2, 2015


27 DEAN D. PREGERSON
United States District Judge

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