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**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

CIVIL MINUTES – GENERAL

Case No.	CV 14-07837 (BRO) (FFMx)	Date	December 15, 2014
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Title	VICTOR MENDOZA V. STAPLES, INC. ET AL.
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Present: The Honorable	BEVERLY REID O’CONNELL, United States District Judge
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Renee A. Fisher

Not Present

N/A

Deputy Clerk

Court Reporter

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: (IN CHAMBERS)

**ORDER TO SHOW CAUSE WHY DEFENDANTS’ MOTION TO DISMISS
SHOULD NOT BE GRANTED [12]**

Plaintiff Victor Mendoza (“Plaintiff”) initiated this lawsuit on July 10, 2014 in the Superior Court of California, County of Los Angeles. (*See Compl.*) Defendants Staples, Inc. and Staples Contract and Commercial, Inc., along with the four individual defendants named in the Complaint, removed the matter to this Court on October 8, 2014. (Dkt. No. 1.) Plaintiff filed a motion to remand on October 31, 2014. (Dkt. No. 14.) The Court denied the motion on November 24, 2014. (Dkt. No. 17.) In its order denying Plaintiff’s remand motion, the Court explained that the matter was properly removed because the Court has jurisdiction under 28 U.S.C. § 1332. Specifically, the Court concluded that the four individual defendants named in this matter—Mario Gutierrez, Ricky Millan, Adrian Martinez, and Larry Terrazas (collectively, “Individual Defendants”)—are “sham” defendants whose citizenship may be disregarded for diversity jurisdiction purposes. (*Id.* at 4–10.)

Pending before the Court is a Motion to Dismiss filed by Individual Defendants on October 15, 2014. (Dkt. No. 12.) Individual Defendants seek to dismiss all of the claims alleged against them pursuant to Federal Rule of Civil Procedure 12(b)(6). The hearing on this motion is set for Monday, December 22, 2014, at 1:30 p.m.

Under the Court’s Local Rule 7-9, a party must oppose a motion at least twenty-one (21) days prior to the scheduled hearing date. *See* C.D. Cal. L.R. 7-9. Accordingly, Plaintiff’s opposition, if any, was due no later than December 1, 2014. As of this date, Plaintiff has not opposed Individual Defendants’ Motion to Dismiss.

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Local Rule 7-12 provides that a party’s failure to oppose “may be deemed consent to the granting . . . of the motion.” C.D. Cal. L.R. 7-12. The Court recognizes that its order denying Plaintiff’s remand motion concluded that the Complaint fails to state a claim against any of the Individual Defendants, and that this failure “is obvious according to well-settled California law.” (Dkt. No. 17 at 7.) Nevertheless, the Court specified that the remand order “does not affect the hearing set for December 22, 2014, at 1:30 p.m.” on Individual Defendants’ Motion to Dismiss. (*Id.* at 12.)

Accordingly, the Court **ORDERS Plaintiff to show cause** as to why Individual Defendants’ motion should not be granted. An appropriate response to this Order will include reasons demonstrating good cause for Plaintiff’s failure to file an opposition. Alternatively, Plaintiff shall notify the Court that he does not oppose the motion. Plaintiff’s response to this Order shall be filed by **no later than Tuesday, December 16, at 5:00 p.m.**

IT IS SO ORDERED.

Initials of Preparer

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