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**United States District Court  
Central District of California**

LORI MANNARINO; SAM TREIHAFT,  
Plaintiffs,

v.

FAY SERVICING LLC; PROF-2013-M4  
REO I LLC; PROF-2013-S REMIC  
TRUST III; STRUCTURED FINANCIAL  
SERVICES-PROF; U.S. NATIONAL  
BANK ASSOCIATION; U.S. ROF III  
LEGAL TITLE TRUST 2015-1;  
BARRETT, DAFFIN, FRAPPIER,  
TREADER AND WEISS LLP; BDF LAW  
GROUP; BEN MORRIS; TYRONE  
BELL; JEN JOLLS; MICHAEL  
SCHUSTER; VIKKI M. PALUMBO; E.  
STEWART; TANYA MCCULLAH;  
ERICA JONES; CLAYTON GOFF;  
TALISHA WALLACE; YOMARI  
QUINTANILLA; DAYNA BUCARO;  
MICHAEL MCGEE; TITLE 365; DOES  
1-10 INCLUSIVE,  
Defendants.

Case No. 2:15-cv-02409-ODW(PLAx)

**ORDER INSTRUCTING  
PLAINTIFFS TO FILE AN  
OPPOSITION BRIEF NO LATER  
THAN JUNE 29, 2015**

On March 26, 2015, Defendants filed a Motion to Dismiss and set a hearing for June 29, 2015. (ECF No. 37.) Local Rule 7-9 provides that all opposition papers

1 shall be filed with the court and served on each party at least twenty-one days before  
2 the date designated for hearing of the motion. C.D. Cal. L.R. 7-9. Local Rule 7-12  
3 provides that the “failure to file any required paper, or the failure to file it within the  
4 deadline, may be deemed consent to the granting or denial of the Motion.” C.D. Cal.  
5 L.R. 7-12.

6 According to the Local Rules, Plaintiffs were required to file an opposition to  
7 Defendants Motion to Dismiss no later than June 8, 2015. This date came and went  
8 without an opposition. On June 15, 2015, a week after the deadline, Plaintiffs filed a  
9 First Amended Complaint. (ECF No. 52.) The Court notes that the First Amended  
10 Complaint is nearly a word-for-word recitation of the original Complaint and does  
11 almost nothing to address the substantive arguments in Defendants’ Motion to  
12 Dismiss. Without any substantive changes, it would appear that Plaintiffs filed the  
13 First Amended Complaint to needlessly delay this litigation.

14 Since the First Amended Complaint is nearly identical to the original  
15 Complaint, the Court will not require Defendants to file another Motion to Dismiss.  
16 The Defendants’ pending Motion to Dismiss (ECF No. 37) will remain a live pleading  
17 subject to this Court’s adjudication and applies in full force to Plaintiffs’ First  
18 Amended Complaint (ECF No. 52).

19 The Court hereby **ORDERS** Plaintiffs Lori Mannarino and Sam Treihaft to file  
20 a written opposition to Defendants’ Motion to Dismiss no later than **5:00 p.m. on**  
21 **Monday, June 29, 2015**. Plaintiffs do not need to address Defendants’ arguments  
22 regarding quiet title and slander of title. Since Plaintiffs have already missed one  
23 deadline to file an opposition, the failure to comply with this Order will result in a  
24 dismissal pursuant to Federal Rule of Civil Procedure 41(b). *See Ghazali v. Moran*,  
25 46 F.3d 52, 53 (9th Cir. 1995) (“Failure to follow a district court’s local rules is proper  
26 ground for dismissal.”). Defendants shall file a reply no later than **5:00 p.m. on**  
27 **Monday, July 6, 2015**. Defendants’ reply shall clearly apprise the Court of which  
28 defendants join the Motion to Dismiss. Both the opposition and the reply shall be in

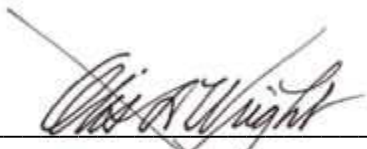
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compliance with the Local Rules. The Court will issue an order in an expedited manner once briefing is complete. The Court will not conduct a hearing.

The Court's Order to Show Cause issued to Plaintiffs on June 6, 2015, still remains in effect and will only be discharged upon an appropriate filing from Plaintiffs. (ECF No. 48.) All other hearings in this matter are vacated.

**IT IS SO ORDERED.**

June 22, 2015



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**OTIS D. WRIGHT, II**  
**UNITED STATES DISTRICT JUDGE**