

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

MEMORANDUM

Case No.	CV 15-2498 DSF (MRWx)	Date	7/23/15
Title	Robert K. Smith v. Nationstar Mortgage LLC, et al.		

Present: The Honorable DALE S. FISCHER, United States District Judge

Debra Plato

Not Present

Deputy Clerk

Court Reporter

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

Not Present

Not Present

Proceedings: Order re Defendant’s Motion to Dismiss (Dkt. No. 30); Sanctions for Violating Local Rules

On May 15, 2015, the Court granted Defendant Nationstar Mortgage LLC’s unopposed motion to dismiss Plaintiff’s Complaint. (See Dkt. No. 18.) In conjunction with this order, the Court issued an order to show cause regarding Plaintiff’s failure to file a statement of non-opposition pursuant to Local Rule 7-9. (Id.) The Court discharged the order to show cause after receiving a response from Plaintiff’s attorney Alexander Moussazadah. (See Dkt. Nos. 19, 20.) The Court advised that further violations “will result in sanctions.” (See Dkt. No. 20.)

On June 29, 2015, Nationstar filed a motion to dismiss Plaintiff’s First Amended Complaint (FAC) with a hearing set for August 3, 2015. Plaintiff’s opposition was due on July 13, 2015, but Plaintiff did not file an opposition until Saturday, July 18. Nationstar argues that the Court should decline to consider Plaintiff’s late filing – which likely prejudiced Nationstar’s ability to file a substantive reply by the July 20 deadline. Notwithstanding Plaintiff’s repeated failure to follow the Local Rules, the Court will consider Plaintiff’s opposition. Given the prejudice to Nationstar, the Court grants Nationstar until July 30, 2015 to file a reply that addresses the merits of Plaintiff’s opposition.

In light of Mr. Moussazadah’s failure to follow the Local Rules and the Court’s explicit admonition, see Dkt. No. 20, Mr. Moussazadah is ORDERED to pay \$500 to the Clerk of Court no later than July 30, 2015.

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The Court, on its own motion, takes Nationstar's motion to dismiss off calendar and under submission.

IT IS SO ORDERED.