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

EUN JU OH, an individual,

Plaintiff,

v.

NATIONSTAR MORTGAGE, LLC;
AZTEC FORECLOSURE
CORPORATION; THE BANK OF NEW
YORK MELLON, AS TRUSTEE FOR
THE STRUCTURED ASSET
MORTGAGE INVESTMENTS II TRUST
2006-AR7 W/A/T/A THE BANK OF NEW
YORK MELLON, FKA THE BANK OF
NEW YORK, AS SUCCESSOR
TRUSTEE TO JPMORGAN CHASE
BANK, AS TRUSTEE FOR THE
HOLDERS OF SAMI II TRUST 2006AR7,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2006-AR7;
COUNTRYWIDE BANK; and DOES 1
through 10, inclusive,

Defendants.

Case № 2:18-cv-01975-ODW (SKx)

**ORDER GRANTING
DEFENDANT’S MOTION TO
DISMISS AS UNOPPOSED [13]**

1 weighs in favor of dismissal); *Hernandez v. City of El Monte*, 138 F.3d 393, 401 (9th
2 Cir. 1998) (fourth factor always weighs against dismissal).

3 Here, the second factor weighs in favor of dismissal. The Court must manage
4 its docket to ensure the efficient provision of justice. Plaintiff had notice of
5 Countrywide's Motion to Dismiss, yet failed to oppose it. Further, Plaintiff has not
6 provided any excuse for failing to oppose the motion, or sought an extension. The
7 Court's need to manage its docket favors granting the Countrywide's Motion to
8 Dismiss, as unopposed.

9 The third factor addresses the potential risk of prejudice to defendants. Here,
10 the risk of prejudice to Countrywide is slight. If, after the Court grants the Motion,
11 Plaintiff does not seek reconsideration or other relief, then Countrywide will have
12 been dismissed. In the event that Plaintiff seeks reconsideration, and the Court grants
13 it, Countrywide may simply refile the motions it already prepared.

14 As for the availability of less drastic sanctions, Plaintiff's failure to oppose the
15 motion to dismiss demonstrates that Plaintiff is not interested in prosecuting this
16 action against Countrywide. *See Rodriguez v. Nationstar Mortg. LLC*, No. 2:16-CV-
17 5962-ODW(SK), 2016 WL 4581402, at *1 (C.D. Cal. Sept. 1, 2016) ("Where the
18 Plaintiff does not oppose dismissal, it is unnecessary for the Court to consider less
19 drastic alternatives."); *see also Ghazali*, 46 F.3d at 53. Plaintiff is represented by
20 counsel, and thus cannot claim ignorance of deadlines. Furthermore, on March 13,
21 2018, the Court issued a minute order advising that "Counsel are STRONGLY
22 encouraged to review the Central District's website for additional information." (ECF
23 No. 4.) The Court intended this admonition to provide fair warning to counsel that
24 they need to be familiar with the Local Rules, which provide the requisite deadlines to
25 oppose motions like the one currently pending before the Court. More than two
26 weeks have passed since the deadline for Plaintiff to oppose the Motion, but Plaintiff
27 still has not sought relief from the Court. While there may be less drastic sanctions
28 available, this factor does not weigh heavily in either direction.

1 On balance, the *Ghazali* factors weigh in favor of granting Countrywide's
2 Motion to Dismiss as unopposed. Accordingly, the Court **GRANTS** Countrywide's
3 Motion to Dismiss. (ECF No. 13.)

4 **III. CONCLUSION**

5 For the reasons discussed above, the Court **GRANTS** Countrywide's Motion
6 (ECF No. 13), and **DISMISSES** Plaintiff's claims against Countrywide, **with**
7 **prejudice**.

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9 **IT IS SO ORDERED.**

10 July 3, 2018

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