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

CIVIL MINUTES – GENERAL

Case No.	CV 16-01001-BRO (DTBx)	Date	June 6, 2016
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Title	CLARK JAMES CAVANAUGH ET AL V. CITY OF FONTANA 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 RE: FAILURE TO
OPPOSE DEFENDANTS’ MOTION TO DISMISS**

Pending before the Court is Defendants City of Fontana and Efrain Gonzalez’s (collectively, “Defendants”) Motion to Dismiss. (Dkt. No. 10.) Defendants filed their Motion on May 23, 2016, noticing a hearing date of June 20, 2016. (*Id.*) Under the Central District’s Local Rules, 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, Plaintiffs Clark James Cavanaugh, Jr., Ruth Annette Cavanaugh, Mary Lucretia Holton, Sharon Elaine Shelton, and Linda Darline Wynn’s (collectively, “Plaintiffs”) opposition, if any, was due no later than May 27, 2016. *See id.*; *see also* Fed. R. Civ. P. 6(a)(1)(C), (a)(5), (a)(6)(A).¹ As of today’s date, Plaintiffs have not filed any opposition. Pursuant to Local Rule 7-12, the failure to file an opposition “may be deemed consent to the granting . . . of the motion.” *See* C.D. Cal. L.R. 7-12.

¹ Twenty-one days prior to the scheduled hearing date of June 20, 2016, falls on Monday, May 30, 2016—the Memorial Day holiday. *See* C.D. Cal. Court Holidays, *available at* <https://www.cacd.uscourts.gov/clerk-services/court-holidays> (last accessed June 1, 2016) (providing that May 30, 2016 was the Memorial Day holiday). If the last day of a period falls on a legal holiday, such as Memorial Day, the last day for filing is the “next day” that is not a Saturday, Sunday, or legal holiday. Fed. R. Civ. P. 6(a)(1)(C), (a)(6)(A). The “next day” is determined by continuing to count backward when measured before an event, such as the hearing date in this case. Fed. R. Civ. P. 6(a)(5). As such, Plaintiffs’ opposition was due no later than May 27, 2016. (*See also* Dkt. No. 8 at 3 ¶ 5.a (indicating that opposition papers “due on a holiday must be filed the preceding Friday—not the following Tuesday”).)

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Accordingly, Plaintiffs are **ORDERED TO SHOW CAUSE** as to why the Court should not grant Defendants’ Motion to Dismiss. **Both (1) Plaintiffs’ response to this Order and (2) Plaintiffs’ opposition to the Motion to Dismiss, if any, shall be filed by no later than Friday, June 10, 2016, at 4:00 p.m.** An appropriate response will include reasons demonstrating good cause for Plaintiffs’ failure to timely oppose Defendants’ Motion.

IT IS SO ORDERED.

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Initials of Preparer

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