
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. SACV 11-1316-JST (VBKx)

Date: September 14, 2011

Title: George Lynch v. American Home Mortgage Servicing, Inc., et al.

Present: **Honorable JOSEPHINE STATON TUCKER, UNITED STATES DISTRICT JUDGE**

Ellen Matheson

Deputy Clerk

N/A

Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF:

Not Present

ATTORNEYS PRESENT FOR DEFENDANT:

Not Present

**PROCEEDINGS: (IN CHAMBERS) ORDER TO SHOW CAUSE WHY THE
COURT SHOULD NOT STRIKE DEFENDANTS’ MOTION
TO DISMISS (Doc. 5)**

On September 9, 2011, Defendants filed a Motion to Dismiss Plaintiff’s Complaint. (Doc. 5.) Under Local Rule 7-3, “counsel contemplating the filing of any motion shall first contact opposing counsel to discuss thoroughly, *preferably in person*, the substance of the contemplated motion and any potential resolution.” C.D. Cal. R. 7-3. The purpose of Local Rule 7-3 is to help the parties “reach a resolution which eliminates the necessity for a hearing” *Id.* On a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b), the conference is to take place at least five days before the last day for filing the motion. *Id.* If the parties are unable to resolve their differences and are forced to bring the matter before the court, counsel for the moving party must include in the notice of the motion, a statement to the effect that “[t]his motion is made following the conference of counsel pursuant to L.R. 7-3 which took place on (date).” *Id.*

The Court notes that Defendants’ Notice of Motion states that Defendants attempted in “good-faith” to meet and confer pursuant to Local Rule 7-3, by “contact[ing] Plaintiff’s counsel via email” one day before filing this motion. (Doc. 5 at 3.) It does not state whether Defendants’ counsel ever engaged in a discussion with Plaintiff’s counsel regarding Defendants’ motion. Defendants’ attempted meet and confer appears to fall far short of compliance with the letter and spirit of Local Rule 7-3. Therefore, the Court orders Defendants to show cause in writing, **no later than September 16, 2011**, as to why the Court should not strike the Motion to Dismiss (Doc. 5) for failure to comply with Local Rule 7-3.

Initials of Preparer: enm