

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

CIVIL MINUTES – GENERAL

Case No. SACV 12-1366 DOC (MLGx)

Date: October 24, 2012

Title: JOSE GARNICA AND AQUILINA CIPRIANO V. FREMONT INVESTMENT &
LOAN, ET AL.

PRESENT:

THE HONORABLE DAVID O. CARTER, JUDGE

Julie Barrera
Courtroom Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANT:

None Present

None Present

PROCEEDINGS: (IN CHAMBERS): ORDER TO PLAINTIFFS JOSE GARNICA AND AQUILINA CIPRIANO TO SHOW CAUSE WHY MOTION TO WITHDRAW SHOULD NOT BE GRANTED AND WHY CASE SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE, ALSO TAKING MATTER UNDER SUBMISSION

On September 20, 2012, Defendants Wells Fargo Bank, Mortgage Electronic Registration Systems, and HSBC Bank, filed a Motion To Dismiss (Dkt. 6). The Motion is scheduled to be heard October 29, 2012, at 8:30 a.m. Plaintiffs Jose Garnica and Aquilina Cipriano (Plaintiffs) have not filed an opposition to this Motion To Dismiss.

On September 28, 2012, Manasan Law Group, Counsel for Plaintiffs Jose Garnica and Aquilina Cipriano, filed a Motion To Withdraw (Dkt. 10). That Motion is also scheduled to be heard October 29, 2012. Rowel Manasan, the principal attorney for Manasan Law Group, represented that Plaintiffs called on September 1, 2012, to request that the firm withdraw from the case. Manasan Decl. ¶8 (Dkt. 10-1). Manasan Law Group then sent Plaintiffs all papers in this case, along with a substitution of counsel form. *Id.* at ¶9; Mot. To Withdraw 3. The firm's principal counsel states that attempts to communicate with Plaintiffs have been ignored. Manasan Decl. at ¶10.

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Manasan Law Group had previously sent a substitution of attorney form to Plaintiffs on August 2, 2012. *Id.* at ¶ 5. Plaintiffs had failed to pay an outstanding balance on the retainer agreement, as well as fees for work in July and August. *Id.* at ¶2.

Based on the representations that Plaintiffs have neither communicated with nor paid their counsel, nor have they substituted their counsel after requesting that the firm withdraw, this Court hereby **ORDERS** Plaintiffs Jose Garnica and Aquilina Cipriano to **SHOW CAUSE** why the Motion To Withdraw should not be granted, and to show cause why the case should not be dismissed for failure to prosecute.

Plaintiffs must respond either by filing a response to this order by November 2, 2012, or by appearing at the hearing on the Motion To Withdraw. The Court hereby **MOVES** that hearing from October 29, 2012, to November 5, 2012, at 8:30 a.m., to provide Plaintiffs additional time to respond.

The Motion To Dismiss is hereby taken under submission, and will not be heard on October 29, 2012. That hearing is vacated.

Counsel for plaintiffs to serve a copy of this minute order to plaintiffs Jose Garnica and Aquilina Cipriano.

MINUTES FORM 11
CIVIL-GEN

Initials of Deputy Clerk: jcb