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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**JESUS R. FRANCO, and MATILDE
GUTIERREZ,**

Plaintiffs,

v.

**WILSHIRE CREDIT CORP., a Nevada
corporation, QUALITY LOAN
SERVICE CORP., a California
corporation, and DOES 1-20, inclusive,**

Defendants.

1:09-CV-428 AWI GSA

**ORDER VACATING
SEPTEMBER 14, 2009,
HEARING AND TAKING
MATTER UNDER
SUBMISSION**

Defendant Wilshire Credit Corp. has noticed for hearing and decision a motion to dismiss under Federal Rule of Civil Procedure 12(b)(6). The matter was scheduled for hearing to be held on September 14, 2009. Pursuant to Local Rule 78-230(c), Plaintiffs were required to file either an opposition or a notice of non-opposition no later than August 31, 2009. Plaintiffs failed to do so. Due to Plaintiffs' failure to file a timely opposition or notice of non-opposition, they are in violation of the Local Rules. See 78-230(c). Plaintiffs are further not entitled to be heard at oral argument in opposition to the motion. See 78-230(c). The Court has reviewed the motion and the applicable law, and has determined that the motion is suitable for decision without oral argument. See Local Rule 78-230(h).

1 Therefore, IT IS HEREBY ORDERED that the previously set hearing date of September
2 14, 2009, is VACATED, and no party shall appear at that time. As of September 14, 2009, the
3 Court will take the matter under submission, and will thereafter issue its decision.

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5 IT IS SO ORDERED.

6 **Dated: September 8, 2009**

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE

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