

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

DELLA MAYNEZ and ARTURO MAYNEZ,) CIV-F-09-1422 AWI SMS
Plaintiffs,) ORDER VACATING HEARING OF
v.) NOVEMBER 2, 2009
ELIZABETH GARZA, CALEB J. KHAN,)
SUMMERFIELD MORTGAGE &)
REALTY, AMERICA'S WHOLESALE)
LENDER, and JOSE MORENO, and)
DOES 1 through 50, inclusive,)
Defendants.)

Defendant Countrywide Home Loans (sued erroneously in the alternative under dba America's Wholesale Lender) has made a motion to dismiss for failure to state a claim. The matter is scheduled for oral argument on November 2, 2009. Plaintiffs have filed no opposition and the deadline for doing so has passed. Plaintiffs are no longer entitled to be heard at oral argument. See Local Rule 78-230(c). The court has reviewed the papers and has determined that the motion is suitable for decision without further oral argument. See Local Rule 78-230(h).

Therefore, IT IS HEREBY ORDERED that the previously set hearing date of November 2, 2009, is VACATED, and no party shall appear at that time. As of that date, the court will take the matter under submission and will thereafter issue a decision.

IT IS SO ORDERED.

Dated: **October 28, 2009**

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