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4 **UNITED STATES DISTRICT COURT**
5 **EASTERN DISTRICT OF CALIFORNIA**
6

7 **GLENN W. BEVER,**

8 **Plaintiff**

9 v.

10 **CAL-WESTERN RECONVEYANCE**
11 **CORP., et al.,**

12 **Defendants**

CASE NO. 1:11-CV-1584 AWI SKO

**ORDER FOR ADDITIONAL
INFORMATION AND ORDER
VACATING SEPTEMBER 29, 2014
HEARING DATE**

13
14 Currently pending before the Court is Defendant's motion for summary judgment.
15 Hearing on this motion is currently set for September 29, 2014. The Court has reviewed the
16 papers. There is one area that the Court would like clarified, but otherwise Defendant's motion is
17 suitable for decision without oral argument. See Local Rule 230(g).

18 As part of Plaintiff's opposition, Plaintiff declares, "I did not receive any toll-free number
19 in any letter from Citi sent from February 22, 2011 to April 4, 2011," and "I did not receive, in
20 any letter from Citi sent from February 22, 2011 to April 4, 2011, any toll free number that
21 provides access to a live representative during business hours." See Bever Dec. ¶¶ 14, 15.
22 Defendant has included a copy of two letters that have toll free numbers on them, and states that
23 the letters were mailed to Plaintiff in March 2011 and April 2011. See Alsiweadi Dec. ¶ 14 & Ex.
24 C. Plaintiff will be ordered to clarify and expressly state whether: (1) he received the March 2011
25 and April 2011 letters as reflected in Exhibit C to the Alsiweadi Declaration, Doc. No. 138-3; (2)
26 if he did not receive the letters reflected in Exhibit C, whether he received any letters from
27 Defendants in March 2011 or April 2011; and (3) if Plaintiff did receive letters from Defendant in
28 March 2011 and April 2011, how those letters were different from the letters reflected in Exhibit

1 C. Plaintiff will be ordered to submit these clarifications on or by September 29, 2014.

2 Once the Court has received the clarifications, it will take the matter under submission and
3 thereafter issue a ruling. See Local Rule 230(g). If the Court determines after further review that
4 a hearing would be beneficial, the Court will set a new hearing date at that time.

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6 Accordingly, IT IS HEREBY ORDERED that:

- 7 1. The September 29, 2014 hearing date is VACATED;
8 2. On or by September 30, 2014, Plaintiff shall submit additional briefing that clearly and
9 expressly addresses the following:

10 (A) whether Plaintiff received the March 2011 and April 2011 letters that are
11 reflected by Exhibit C to the Alsiweadi Declaration (Doc. No. 138-3);

12 (B) if Plaintiff did not receive the letters reflected in Exhibit C, whether he received
13 any letters from Defendants in March 2011 or April 2011; and

14 (C) if Plaintiff did receive letters from Defendant in March 2011 and April 2011,
15 how do those letters differ from the letters reflected in Exhibit C;¹

- 16 3. Plaintiff is warned that failure to timely submit the additional briefing will result in the
17 Court reading his declaration as meaning that Plaintiff received no letters of any kind from
18 Defendant Citi either in March 2011 or April 2011.

19
20 IT IS SO ORDERED.

21 Dated: September 23, 2014



22 SENIOR DISTRICT JUDGE

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¹ In addition to expressly answering these questions, Plaintiff may submit copies of any letters that he received from Defendants in March 2011 or April 2011.