

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

**JULITA RUPISAN; ERNESTO
RUPISAN,**

Plaintiffs,

v.

**JP MORGAN CHASE BANK, NA;
CALIFORNIA RECONVEYANCE
COMPANY; DEUTSCHE BANK
NATIONAL TRUST COMPANY; SHEA
MORTGAGE; and DOES 1 through 50,
unclusive,**

Defendants.

1:12-CV-0237 AWI GSA

**ORDER VACATING
HEARING DATES OF APRIL
9, 2012, AND APRIL 23, 2012,
AND RELATED ORDERS**

This is an action for declaratory and injunctive relief by plaintiffs Julita Rupisan and Ernesto Rupisan (“Plaintiffs”) against defendants JP Morgan Chase Bank, California Reconveyance Company, Deutsche Bank National Trust Company and Shea Mortgage (“Defendants”). Currently before the court are two motions to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Both motions were filed on March 9, 2012; the first was filed by Shea Mortgage and the second was filed by JP Morgan Chase Bank, California Reconveyance Company and Deutsche Bank National Trust Company. The first of the motions to dismiss was scheduled for oral argument to be held on April 9, 2012, the second motion to dismiss was scheduled for argument to be held on April 23, 2012. As of this writing no opposition or other response has been filed by Plaintiffs regarding either

1 motion.

2 While the motion by Shea Mortgage may not be opposed at oral argument because
3 opposition to the motion was not filed timely, Local Rule 78-230(b), the court has examined
4 both motions to dismiss and finds they are both suitable for decision without oral argument.
5 Local Rule 78-230(h). Therefore, IT IS HEREBY ORDERED that the previously set hearing
6 dates of April 9, 2012, and April 23, 2012, are VACATED, and no party shall appear at those
7 times. As of April 23, 2012, the Court will take the matter under submission, and will
8 thereafter issue its decision. The court will consider any responsive pleading by Plaintiffs to
9 either or both of the motions to dismiss provided such responsive pleading is filed not later
10 than 4:00 p.m. on Thursday, April 19, 2012. Neither Defendant party shall reply to any
11 opposition filed by Plaintiffs unless directed to do so by the court.

12
13 IT IS SO ORDERED.

14 Dated: April 5, 2012


15 _____
16 CHIEF UNITED STATES DISTRICT JUDGE
17
18
19
20
21
22
23
24
25
26
27
28