

1
2
3 **UNITED STATES DISTRICT COURT**
4 **FOR THE EASTERN DISTRICT OF CALIFORNIA**

5 **JUDY BURDEN, an individual,**

6 **Plaintiff,**

7 **v.**

8 **CALIFORNIA RECONVEANCE COMPANY,**
9 ***et al.,***

10 **Defendants.**

1:15-CV-00314 LJO SMS

MEMORANDUM DECISION AND ORDER
RE: ORDER TO SHOW CAUSE (Doc. 20)

11
12 On April 14, 2015, this Court issued a ruling granting Defendant California Reconveyance
13 Company (CRC)'s motion to dismiss. Doc. 20. This ruling dismissed all but one of Plaintiff's claims,
14 with leave to amend. *Id.* The remaining claim alleged that Plaintiff should be allowed to rescind her
15 loan. CRC did not move to dismiss this claim because it was only asserted against Defendant New
16 Century. However, the Court noted that this claim was premised on legal theories that the Court had
17 discredited. *Id.* at 15. The Court also noted that there was no evidence on the docket that New Century
18 had been served with summons. *Id.* at 16. For both of these reasons, the Court reasoned that this claim
19 should be dismissed. *Id.* The Court ordered Plaintiff to show cause in writing why it should hold
20 otherwise.

21 On April 28, 2015, Plaintiff timely filed her First Amended Complaint (FAC), Doc. 24. Plaintiff
22 amended her rescission claim such that it is now based solely on her fraudulent concealment and
23 inducement claims. FAC ¶ 129. In its April 14 Order, however, this Court found that Plaintiff's fraud
24 claims against New Century were time-barred. Doc. 20 at 10. The FAC offers no facts that suggest this
25 claim isn't time barred or that the statute of limitations should be tolled. Moreover, Plaintiff does not

1 address why New Century has not been served. Therefore, this Court finds that Plaintiff has failed to
2 show that her eighth cause of action is viable.

3 **I. CONCLUSION AND ORDER**

4 For the reasons discussed above, the Court dismisses Plaintiff's eighth cause of action *sua*
5 *sponte*.

6
7 IT IS SO ORDERED.

8 Dated: May 6, 2015

/s/ Lawrence J. O'Neill
UNITED STATES DISTRICT JUDGE