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

OLIVIA TUITAHI,

Plaintiff,

No. CIV S-09-611 GEB KJM PS

vs.

COURTYARD FINANCIAL, INC., et al.,

Defendants.

ORDER

_____ /

This action was referred to the undersigned pursuant to Local Rule 72-302(c)(21).
Calendared for hearing on April 15, 2009 are defendant Indymac’s motion to dismiss and motion
to substitute. No opposition to the motions has been filed.

Local Rule 78-230(c) provides that opposition to the granting of a motion must be
filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o
party will be entitled to be heard in opposition to a motion at oral arguments if written opposition
to the motion has not been timely filed by that party.” In addition, Local Rule 78-230(j)
provides that failure to appear may be deemed withdrawal of opposition to the motion or may
result in sanctions. Finally, Local Rule 11-110 provides that failure to comply with the Local
Rules “may be grounds for imposition of any and all sanctions authorized by statute or Rule or
within the inherent power of the Court.”

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Good cause appearing, IT IS HEREBY ORDERED that:

1. The hearing date of April 15, 2009 is vacated. Hearing on defendant's motions is continued to May 20, 2009 at 10:00 a.m. in courtroom no. 26.

2. Plaintiff shall file opposition, if any, to the motion no later than April 29, 2009. Failure to file opposition and appear at the hearing will be deemed as a statement of non-opposition and shall result in a recommendation that this action be dismissed pursuant to Federal Rule of Civil Procedure 41(b).

3. Reply, if any, shall be filed no later than May 6, 2009.

DATED: April 2, 2009.

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U.S. MAGISTRATE JUDGE