

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

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LUZ RIVERA,

NO. CIV. S-09-1639 LKK/JFM

Plaintiff,

v.

O R D E R

GMAC MORTGAGE, JP MORGAN
CHASE, PAUL FINANCIAL, LLC,
ETS SERVICES, LLC, MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., REPUBLIC 2,
JOE NGUYEN, MINH DUONG and
DOES 1-20, inclusive,

Defendants.

_____/

Pending before the court in the above-captioned case are a motion to dismiss by defendants GMAC Mortgage, ETS Services, LLC and Mortgage Electronic Registration Systems, Inc., Doc. No. 20, and a motion to dismiss or alternatively for a more definite statement by defendant Paul Financial, LLC, ("Paul Financial") Doc. No. 22. In its motion and reply, Paul Financial frequently supported its arguments with exhibits attached to the Declaration of Melanie Frank ("Frank Decl."). Paul Financial neglected to file and serve the Frank Decl. with its motion. Defendant did, however, file the declaration and its exhibits in its prior motion to


1 dismiss plaintiff's original complaint. Plaintiff purports that
2 because she was not served with the declaration in the present
3 motion that she was unaware of its contents. Opposition to Paul
4 Financial's Motion to Dismiss at p.9 n.4. Accordingly, plaintiff
5 did not address any of defendant's arguments relying on the
6 exhibits to the declaration. Id. For the foregoing reasons, the
7 court orders that Paul Financial shall serve the Frank Declaration
8 with all exhibits on plaintiff by November 2, 2009. Plaintiff shall
9 file an amended opposition, if any, to Paul Financial's motion in
10 light of the exhibits by November 12, 2009. Paul Financial shall
11 file its reply, if any, by November 23, 2009.

12 Furthermore, the court does not find oral argument necessary
13 in this matter. Accordingly, the hearing currently set for October
14 26, 2009 is VACATED.

15 IT IS SO ORDERED.

16 DATED: October 23, 2009.

17
18
19
20
21
22
23
24
25
26


LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT