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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

JAMES H. GEROW and CAROLYN FIGUIERA-GEROW

No. 2:09-cv-01659-MCE-GGH

Plaintiffs,

v.

MEMORANDUM AND ORDER

HOMEQ SERVICING; EQUIFIRST CORPORATION; T.D. SERVICE COMPANY; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; UNITED MORTGAGE AND REALTY SOLUTIONS, INC.; BRIANNA WATERS; DAVID MICHAEL RISSE; and DOES 1 through 200, inclusive,

Defendants.

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This action arises out of a mortgage loan transaction in which Plaintiffs James H. Gerow and Carolyn Figuiera-Gerow ("Plaintiffs") refinanced their home in 2007. Presently before the Court is a Motion by Defendants EquiFirst Corporation, HomeQ Servicing, and Mortgage Electronic Registration Systems, Inc. (collectively "Defendants") to Dismiss Plaintiffs' First Amended Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

1 Plaintiffs have not completely opposed Defendants' Motion.  
2 Rather, Plaintiffs have submitted a Statement of Non-Opposition  
3 in which they request that a portion of their complaint as it  
4 relates to their state law causes of action be dismissed.  
5 Plaintiffs have failed to respond to the Motion to Dismiss on the  
6 remaining federal claims.

7 In light of Plaintiffs' Statement of Non-Opposition to the  
8 state law claims, Defendants' Motion to Dismiss (Docket No. 30)  
9 is GRANTED without leave to amend as to the state law claims.<sup>1</sup>  
10 However, as a result of Plaintiffs' failure to oppose the  
11 remaining federal claims, Defendants' Motion to Dismiss is  
12 GRANTED with leave to amend as to said federal claims.

13 As a result of the failure to respond to the remaining  
14 federal claims as required by Local Rule 230 (c), within ten (10)  
15 days from the date this order is electronically filed,  
16 Plaintiff's counsel shall either (1) personally pay sanctions in  
17 the amount of \$250.00 to the Clerk of the Court or (2) show good  
18 cause for the failure to completely comply with Local Rule 230  
19 (c).

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27 <sup>1</sup> Because oral argument will not be of material assistance,  
28 the Court orders this matter submitted on the briefs. E.D. Cal.  
Local Rule 230(g).

1 Plaintiffs may file an amended complaint not later than  
2 twenty (20) days after the date this Memorandum and Order is  
3 filed electronically. If no amended complaint is filed within  
4 said twenty (20)-day period, without further notice, Plaintiffs'  
5 federal law claims will also be dismissed without leave to amend.

6 IT IS SO ORDERED.

7 Dated: January 29, 2010

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10 MORRISON C. ENGLAND, JR.  
11 UNITED STATES DISTRICT JUDGE  
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