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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN STONE and DIANNE STONE
Plaintiffs,

No. 2:09-cv-02394-MCE-EFB

v.

MEMORANDUM AND ORDER

INDYMAC F.S.B.; MTC FINANCIAL
DBA TRUSTEE CORPS; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC.; ABSOLUTION LOAN
INC.; KEVIN D. MCGILL; STEVE
PETEE; and DOES 1-20
inclusive,

Defendants.

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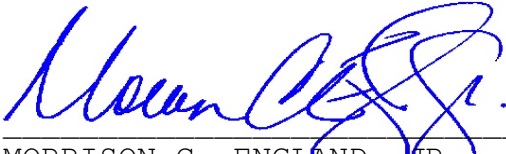
Presently before the Court are Motions by Defendants MTC
Financial Inc. dba Trustee Corps and Mortgage Electronic
Registration Systems, Inc. ("Defendants") to dismiss the First
Amended Complaint of Plaintiffs John Stone and Dianne Stone
("Plaintiffs") for failure to state a claim upon which relief may
be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).
Plaintiffs have failed to timely file Opposition to Defendants'
Motions.

1 Pursuant to Local Rule 78-230(c), opposition to a motion
2 must be filed not less than fourteen (14) days prior to the date
3 of the hearing. The date of the hearings on motions were set for
4 December 10, 2009. Fourteen (14) days prior to the hearings was
5 November 26, 2009. To date, no opposition has been filed as
6 required. In light of the fact that no opposition has been filed
7 by Plaintiffs, Defendants' Motions to Dismiss¹ are GRANTED with
8 leave to amend. (Docket No. 15 and Docket No. 21)

9 Plaintiffs may file an amended complaint not later than
10 twenty (20) days after the date this Memorandum and Order is
11 filed electronically. If no amended complaint is filed within
12 said twenty (20)-day period, without further notice, Plaintiffs'
13 claims will be dismissed without leave to amend.

14 IT IS SO ORDERED.

15 Dated: December 10, 2009

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18 MORRISON C. ENGLAND, JR.
19 UNITED STATES DISTRICT JUDGE
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27 ¹ Because oral argument will not be of material assistance,
28 the Court orders this matter submitted on the briefs. E.D. Cal.
Local Rule 78-230(h).