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

PATRICK OSEI,

Case No. 2:09-CV-02534-JAM-GGH

Plaintiff,

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS

v.

GMAC MORTGAGE; COUNTRYWIDE HOME
LOANS; BANK OF AMERICA fka
Countrywide Home Loans;
GREENPOINT MORTGAGE FUNDING,
INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.; ETS
SERVICES, LLC; PELLETIER
FINANCE, INC. dba Delta
Mortgage and Real Estate;
JEFFERY ALAN PELLETIER; JEFFERY
PAUL OLSON; JEFFERY BRYAN
DELORA; and DOES 1-20
inclusive,

Defendants.

_____ /

This matter comes before the Court on Defendants' Pelletier
Finance, Inc., dba Delta Mortgage & Real Estate, Jeffrey Allen
Pelletier, Jeffrey Paul Olson, and Jeffrey Bryan Delora's

1 ("Defendants'") Motion to Dismiss, (Doc # 27), the third, eighth
2 and ninth claims of Plaintiff Patrick Osei's ("Plaintiff's")
3 First Amended Complaint for failure to state a claim pursuant to
4 Federal Rule of Civil Procedure 12(b)(6).¹

5
6 Plaintiff did not file a timely opposition or statement of
7 non-opposition to Defendants' Motion to Dismiss. Local Rule
8 230(c) requires a party responding to a motion to file either an
9 opposition to the motion or a statement of non-opposition, no
10 less than fourteen (14) days preceding the noticed hearing date.
11 Local Rule 110 authorizes the Court to impose sanctions for
12 "failure of counsel or of a party to comply with these Rules."
13 Therefore, the Court will sanction Plaintiff's counsel, Randolph
14 Cooke, \$250.00, unless he shows good cause for his failure to
15 comply with the Local Rules.
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18 Plaintiff filed a late opposition to dismissing these
19 claims, the day before Defendants' reply brief was due. The
20 Court has considered Plaintiff's late filed opposition, and
21 finds the third, eighth and ninth claims from the amended
22 complaint lack merit for the reasons stated in Defendants'
23 Motion to Dismiss.
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28 ¹ This motion was determined to be suitable for decision without oral argument. E.D. Cal. L.R. 230(g).

