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

FRANK WILLIAMS and CINDY WILLIAMS,

Case No. 09-cv-03060-JAM-KJN

ORDER TO SHOW CAUSE

Plaintiffs,

v.

BANK OF AMERICA HOME LOANS fka COUNTRYWIDE HOME LOANS; AMERICA'S WHOLESALE LENDER; MERIDIAN CAPITAL, INC.; ANATOLY STAVCHANSKY, WILLIAM J HAND JR.; JEFFREY B WIND; and DOES 1-20 inclusive,

Defendants.

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Plaintiffs Frank Williams and Cindy Williams ("Plaintiffs") 23 24

filed a First Amended Complaint on February 18, 2010.

Accordingly, the pending Motion to Dismiss and Motion to Strike

by Defendants Countrywide Home Loans, Inc., d/b/a/ America's

Wholesale Lender (erroneously sued as "Bank of America f/k/a

Countrywide Home Loans" and "America's Wholesale Lender"), BAC

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Home Loans Servicing, L.P. and Mortgage Electronic Registration Systems, Inc.(collectively "Defendants"), are moot.

Effective December 1, 2009, Federal Rule of Civil Procedure 15(a)(1) allows a party to amend a pleading once as a matter of course within: (A) 21 days after serving it, or (B) if the pleading is one to which a responsive pleading is required, 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e) or (f), whichever is earlier.

Defendants' pending Motion to Dismiss and Motion to Strike were filed on December 23, 2009. Thus, pursuant to Rule 15 (a)(1)(B), Plaintiffs' First Amended Complaint was untimely filed. Nonetheless, because the changes to Rule 15 are recent, the Court has accepted the filing.

However, because of the untimely filing, the Court hereby issues an Order to Show Cause to Plaintiffs' counsel, Sharon Lapin, why she should not be sanctioned in the amount of \$250.00 for her failure to file a timely amended pleading as directed by the recently amended Federal Rule of Civil Procedure 15(a)(1)(B).

ORDER

It is ordered that within ten (10) days of the date of this Order, Sharon Lapin shall either (1) pay sanctions of \$250.00 to the Clerk of the Court, or (2) submit a statement of

good cause explaining her failure to comply with Federal Rule of Civil Procedure 15(a)(1)(B). IT IS SO ORDERED. Dated: February 19, 2010 UNITED STATES DISTRICT JUDGE