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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

NOLASCO CONSTANTINO CRUZ

Plaintiff,

v.

AURORA LOAN SERVICES; GMAC  
MORTGAGE; OLYMPIA FUNDING, INC.;  
QUALITY LOAN SERVICE  
CORPORATION; MORTGAGE ELECTRONIC  
REGISTRATION SYSTEMS, INC.;  
HILLTOP FINANCIAL MORTGAGE,  
INC.; IBRAHIM K. KABA; SUNMEET  
NARINDER ANAND; THANH NGOC  
NGUYEN and DOES 1-20 inclusive,

Defendants.

No. 2:09-cv-03212-MCE-KJM

MEMORANDUM AND ORDER

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This action arises out of a mortgage loan transaction in which Plaintiff Nolasco Constantino Cruz ("Plaintiff") refinanced his home in 2006. Presently before the Court is a Motion by Defendants GMAC Mortgage, LLC and Mortgage Electronic Registration Systems, Inc. ("Defendants") to Dismiss the claims alleged against them in Plaintiff's Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6). Plaintiff has failed to timely file an opposition.

1 Pursuant to Local Rule 230(c), opposition to a motion must  
2 be filed not less than fourteen (14) days prior to the date of  
3 the hearing. The date of the hearing on motion was set for  
4 February 12, 2010. Fourteen (14) days prior to the hearing was  
5 January 29, 2010. No opposition was filed as required.

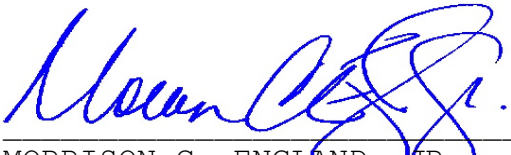
6 In light of the fact that no opposition was filed by  
7 Plaintiff, Defendants' Motion to Dismiss<sup>1</sup> (Docket No. 7) is  
8 GRANTED with leave to amend.

9 As a result of Plaintiff's counsel Sharon Lapin's ("Lapin")  
10 repeated failure to comply with the Local Rule, Lapin is hereby  
11 ordered to show cause as to why sanctions should not now be  
12 imposed.

13 Lapin is ordered to personally appear before this Court at  
14 2:00 p.m. on **Thursday, February 25, 2010**, in Courtroom 7 for the  
15 hearing on the Order to Show Cause. Lapin shall have until  
16 Thursday, February 18, 2010 to file a written response as to why  
17 she should not be sanctioned for her continual disregard of the  
18 Rules of this Court. The Court reserves the right to vacate the  
19 hearing based upon the written response filed by Lapin.

20 IT IS SO ORDERED.

21 Dated: February 16, 2010

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24 MORRISON C. ENGLAND, JR.  
25 UNITED STATES DISTRICT JUDGE  
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27 \_\_\_\_\_  
28 <sup>1</sup> Because oral argument will not be of material assistance,  
the Court orders this matter submitted on the briefs. E.D. Cal.  
Local Rule 230(g).