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

DLORAH ALVA-CASTLES and KARLTON
CASTLES,

Case No. 10-cv-00020-JAM-KJN

Plaintiffs,

ORDER GRANTING DEFENDANTS'
MOTION TO DISMISS

v.

COMMITMENT LENDING, a
California corporation;
AMERICAN MORTGAGE GROUP, a
California business entity,
form unknown; MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS, INC., a California
corporation; CHEVY CHASE BANK,
FSB, a federally chartered
thrift; CAPITAL ONE, N.A. a
Delaware corporation; and Does
1-100, inclusive,

Defendants.

_____ /

1 This matter comes before the Court on Defendants Capital
2 One, N.A. successor by merger to Chevy Chase Bank, F.S.B. (sued
3 as "Chevy Chase Bank, F.S.B." and "Capital One, N.A.") and
4 Mortgage Electronic Registration Systems, Inc. ("Defendants'")
5 Motion to Dismiss, (Doc.#35), Plaintiffs Dlorah Alva-Castles and
6 Karlton Castles ("Plaintiffs'") First Amended Complaint (Doc.
7 #17) for failure to state a claim pursuant to Federal Rule of
8 Civil Procedure 12(b)(6). Plaintiffs have not opposed the
9 motion.¹
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12 Plaintiffs did not file an opposition or statement of non-
13 opposition to Defendants' Motion to Dismiss. Local Rule 230(c)
14 requires a party responding to a motion to file either an
15 opposition to the motion or a statement of non-opposition, no
16 less than fourteen (14) days preceding the noticed hearing date.
17 Local Rule 110 authorizes the Court to impose sanctions for
18 "failure of counsel or of a party to comply with these Rules."
19 Therefore, the Court will sanction Plaintiffs' counsel, Stephen
20 Ruehmann, \$250.00, unless he shows good cause for his failure to
21 comply with the local rules.
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24 ORDER

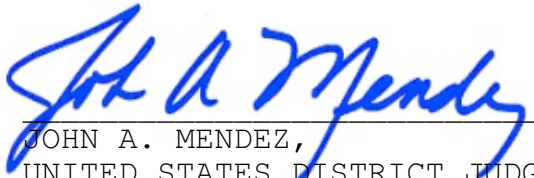
25 After carefully considering the papers submitted in this
26 matter, it is hereby ordered that Defendants' Motion to Dismiss
27

28 ¹ This motion was determined to be suitable for decision without oral argument. E.D. Cal. L.R. 230(g).

1 is GRANTED, WITH PREJUDICE. It is further ordered that within
2 ten (10) days of this Order Stephen Ruehmann shall either (1)
3 pay sanctions of \$250.00 to the Clerk of the Court, or (2)
4 submit a statement of good cause explaining his failure to
5 comply with Local Rule 230(c).
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7 IT IS SO ORDERED.
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9 Dated: June 3, 2010
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11 JOHN A. MENDEZ,
12 UNITED STATES DISTRICT JUDGE
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