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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LISA KONONOV

No. 2:10-cv-00099-MCE-EFB

Plaintiff,

v.

MEMORANDUM AND ORDER

EXPEDIA HOME LOANS, MORTGAGEIT,
INC., INDYMAC, INC., QUALITY
LOAN SERVICES CORPORATION and
DOES 1 through 50, inclusive,

Defendants.

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This action arises out of a mortgage loan transaction in which Plaintiff Lisa Kononov ("Plaintiff") refinanced her home in February 2006. Presently before the Court is a Motion by Defendant MortgageIT, Inc. ("Defendant") to Dismiss the claims alleged against it 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). Defendant also filed a Motion to Strike. Plaintiff has failed to timely file an opposition.¹

¹ 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).

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 25, 2010. Fourteen (14) days prior to the hearing was
5 February 11, 2010. No opposition was filed as required.

6 In light of the fact that no opposition was filed by
7 Plaintiff, Defendant's Motion to Dismiss (Docket No. 8) is
8 GRANTED with leave to amend.

9 Plaintiff 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, Plaintiff's
13 claims will be dismissed without leave to amend.

14 Defendant's Motion to Strike (Docket No. 9) is DENIED as
15 moot.

16 IT IS SO ORDERED.

17 Dated: February 26, 2010

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20 MORRISON C. ENGLAND, JR.
21 UNITED STATES DISTRICT JUDGE
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