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UNITED STATES DISTRICT COURT

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FOR THE EASTERN DISTRICT OF CALIFORNIA

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10 CARINA LOWRIE and  
CLIFFORD LOWRIE, JR.,

NO. CIV. S-10-468 LKK/GGH

11 Plaintiffs,

12 v.

O R D E R13 ALLIANCE BANCORP, a California  
corporation; MORTGAGE ELECTRONIC  
14 REGISTRATION SYSTEMS, INC., a  
California corporation; PARADISE  
15 MORTGAGE CORPORATION, a California  
corporation; JP MORGAN CHASE BANK,  
16 a national financial institution;  
CALIFORNIA RECONVEYANCE COMPANY,  
17 a California corporation; and  
DOES 1 to 100, inclusive,

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Defendants.

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20 Plaintiffs in this suit bring numerous claims against various  
21 private financial and real estate businesses involved with  
22 plaintiff's home mortgage. On May 20, 2010, defendants JPMorgan  
23 Chase Bank, NA and California Reconveyance Company moved to dismiss  
24 all claims against them under Fed. R. Civ. P 12(b)(6). This motion  
25 was set for hearing on June 21, 2010. Pursuant to Local Rule  
26 230(c), plaintiffs' opposition or statements of non-opposition was

1 due on June 8, 2010. Plaintiffs did not file an opposition or  
2 statement of non-opposition. Instead, on June 10, 2010, twenty-one  
3 days after the motion was filed, plaintiff filed an amended  
4 complaint. Pursuant to Fed. R. Civ. P. 15(a)(1)(B), plaintiff may  
5 file an amended complaint twenty one days after service of a  
6 motion. Thus, plaintiff's amended complaint was timely filed.

7 It appears that many of the arguments raised in the motion to  
8 dismiss and to strike portions of the initial complaint may also  
9 apply to the amended complaint. Nonetheless, the court declines to  
10 address this issue without briefing directly on point from either  
11 party.

12 Accordingly, the pending motion, Dkt. No. 18 is DENIED WITHOUT  
13 PREJUDICE as moot. The hearing on this motion set for June 21, 2010  
14 is hereby VACATED.

15 IT IS SO ORDERED.

16 DATED: June 14, 2010.

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LAWRENCE K. KARLTON  
SENIOR JUDGE  
UNITED STATES DISTRICT COURT