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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

ANGELA ANTHONY, et al.,  
Plaintiffs,

No. 2:10-cv-00689-MCE-DAD

v.

ORDER

JONOTHAN BENEFIELD, et al.,  
Defendants.

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Through this action Plaintiffs, past and present residents of the Oroville Inn located in Oroville, California, seek redress for a litany of state and federal law claims arising out of their residency. Presently before the Court is a Motion by Defendants Walnut Hill Estate Enterprises, LLC, Jonothan Benefield, and Julie Benefield ("Defendants") to Dismiss Plaintiffs' Fourth, Fifth, Sixth, Seventh, and Ninth Causes of Action alleged in Plaintiffs' First Amended Complaint for failure to state a claim upon which relief may be granted pursuant to Federal Rule of Civil Procedure 12(b)(6).

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1 Additionally, Defendants move to strike portions of Plaintiffs'  
2 Second, Third, Sixth, Ninth, Thirteenth, Fifteenth, and Sixteenth  
3 Causes of Action pursuant to Federal Rule of Civil Procedure  
4 Motion to Strike pursuant to Rule 12(f).<sup>1</sup> Plaintiffs have failed  
5 to timely file an opposition.

6 Pursuant to Local Rule 230(c), opposition to a motion must  
7 be filed not less than fourteen (14) days prior to the date of  
8 the hearing. The date of the hearing on the motion was set for  
9 June 24, 2010. Fourteen (14) days prior to the hearing was  
10 June 10, 2010. No opposition was filed as required. Counsel is  
11 cautioned, however, that failing to file a responsive pleading in  
12 the future may give rise to the issuance of sanctions.

13 In light of the fact that no opposition was filed by  
14 Plaintiffs, Defendants' Motion to Dismiss and Motion to Strike  
15 (Docket No. 17) is GRANTED with leave to amend.

16 Plaintiffs may file an amended complaint not later than  
17 twenty (20) days after the date this Memorandum and Order is  
18 filed electronically. If no amended complaint is filed within  
19 said twenty (20)-day period, without further notice, Plaintiffs'  
20 claims will be dismissed without leave to amend.

21 IT IS SO ORDERED.

22 Dated: July 23, 2010

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25 MORRISON C. ENGLAND, JR.  
26 UNITED STATES DISTRICT JUDGE

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28 <sup>1</sup> Because oral argument will not be of material assistance,  
the Court deemed this matter suitable for decision without oral  
argument. Local Rule 230 (g).