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

VASILIIY RUSU, et al.,

Plaintiffs,

No. CIV 2:10-cv-1578-GEB-JFM (PS)

vs.

BANK OF AMERICA, et al.,

Defendants.

ORDER

\_\_\_\_\_ /  
This action was referred to the undersigned pursuant to Local Rule 302(c)(21).  
On July 7, 2010, defendants filed a motion to dismiss pursuant to Fed. R. Civ. P. 12(b)(6). No  
opposition to the motion to dismiss has been filed.

Local Rule 230(c) provides that opposition to the granting of a motion must be  
filed fourteen days preceding the noticed hearing date. The Rule further provides that “[n]o  
party will be entitled to be heard in opposition to a motion at oral arguments if written opposition  
to the motion has not been timely filed by that party.” In addition, Local Rule 230(i) provides  
that failure to appear may be deemed withdrawal of opposition to the motion or may result in  
sanctions. Finally, Local Rule 110 provides that failure to comply with the Local Rules “may be  
grounds for imposition of any and all sanctions authorized by statute or Rule or within the  
inherent power of the Court.”

1 Good cause appearing, IT IS HEREBY ORDERED that:

2 1. The hearing date of August 12, 2010 is vacated. Hearing on defendants'  
3 motion to dismiss is continued to October 14, 2010 at 11:00 a.m. in courtroom no. 26.

4 2. Plaintiff shall file opposition, if any, to the motion to dismiss, no later than  
5 September 30, 2010. Failure to file opposition and appear at the hearing will be deemed as a  
6 statement of non-opposition and shall result in a recommendation that this action be dismissed  
7 pursuant to Federal Rule of Civil Procedure 41(b).

8 DATED: August 10, 2010.

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11 UNITED STATES MAGISTRATE JUDGE

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