

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

This matter comes before the Court on Defendant Wells Fargo Bank, N.A., successor by merger with Wells Fargo Bank Southwest, N.A., f/k/a Wachovia Mortgage, FSB, f/k/a World Savings Bank, FSB's ("Wells Fargo") Motion to Dismiss (Doc. #7) Plaintiff Lisa Fortmuller's ("Plaintiff") Complaint (Doc. #1), pursuant to Federal Rules of Civil Procedure 12(b) (6). Plaintiff did not oppose the Motion to Dismiss.¹

Plaintiff did not file an opposition or statement of non-opposition to Defendants' Motion to Dismiss. Local Rule 230(c)

¹ This motion was determined to be suitable for decision without oral argument. E.D. Cal. L.R. 230(g). The hearing was originally scheduled for August 3, 2011.

1 requires a party responding to a motion to file either an
2 opposition to the motion or a statement of non-opposition, no less
3 than fourteen (14) days preceding the noticed hearing date. Local
4 Rule 110 authorizes the Court to impose sanctions for "failure of
5 counsel or of a party to comply with these Rules." Since the Court
6 imposed a possible fine of \$150.00 on Plaintiff's counsel, Steven
7 C. Lynes, in the related action Fortmuller v. Wells Fargo, No. 11-
8 CV-00948 JAM-DAD, the Court will not impose sanctions in the
9 instant case.

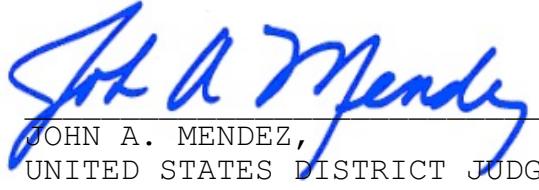
10

11 ORDER

12 After carefully considering the papers submitted in this
13 matter, it is hereby ordered that Defendants' Motion to Dismiss is
14 GRANTED, WITH PREJUDICE.

15 IT IS SO ORDERED.

16 Dated: August 4, 2011

17 
JOHN A. MENDEZ,
UNITED STATES DISTRICT JUDGE

18
19
20
21
22
23
24
25
26
27
28