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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

FRED BREINING and CATHY
BREINING,

Plaintiffs,

v.

OCWEN LOAN SERVICING, LLC; and
DOES 1–20, inclusive

Defendants.

No. 2:13-cv-2441-TLN-DAD

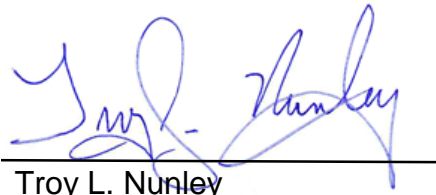
ORDER

This matter is before the Court pursuant to Plaintiffs' request for a continuance to file a late opposition. On July 9, 2014, this Court granted Defendant's motion to dismiss Plaintiffs' complaint. (ECF No. 15.) That order specified that Defendants had 14 days from entry of the order to file an amended complaint. Plaintiffs then filed a late amended complaint on July 28, 2014. (ECF No. 16.) Defendants filed a motion to dismiss on August 4, 2014. (ECF No. 17.) Plaintiffs did not file an opposition to the motion to dismiss. On September 5, 2014, this Court determined that oral argument would not be of assistance and submitted the matter on the briefs. (ECF No. 21.) Subsequently, on September 5, 2014, counsel for Plaintiffs filed a declaration stating she was not aware that a motion to dismiss had been filed. Counsel for Plaintiffs requests a continuance of the hearing date in order to file a late opposition to the motion to dismiss. (ECF No. 22.)

1 The email address for Plaintiffs' counsel appears on the Court's distribution list for
2 notices of activity in the instant case. Additionally, the Court's previous dismissal order (ECF
3 No. 15) specified that a motion to dismiss was due 21 days after filing of an amended complaint;
4 thus, Plaintiffs were on notice of a pending motion to dismiss. Plaintiffs' amended complaint was
5 filed late. The Court's initial review of the amended complaint indicates Plaintiffs have not
6 responded to the deficiencies highlighted by this Court in its previous dismissal order. Plaintiffs'
7 counsel has not attached a late opposition to her declaration.

8 Plaintiffs' request to continue the hearing date and/or to file a late opposition is DENIED.

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10 Dated: September 24, 2014

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Troy L. Nunley
United States District Judge