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28UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIASCOTT K. ZIMMERMAN, JUDY A.
ZIMMERMAN,

No. C 08-3731 MHP

Plaintiffs,

ORDER

v.

**Re: Aurora's Motion to Dismiss Complaint
and/or to Strike Punitive Damages Claim**

AURORA LOAN SERVICES et al.,

Defendants.

On August 26, 2008, defendant Aurora Loan Services ("Aurora") submitted a motion to dismiss and/or to strike plaintiffs' punitive damages claim. The court granted Aurora's subsequent *ex parte* application to file the motion prior to the initial case management conference. In its order, the court deemed the motion to dismiss filed as of September 8, 2008, with any opposition due by September 22, 2008, and set a hearing for October 6, 2008. Plaintiffs have neither filed an opposition nor have requested an enlargement of time to do so.

Accordingly, defendant's motion to dismiss is GRANTED as unopposed. The Clerk of the Court shall close the file.

IT IS SO ORDERED.

Dated: October 1, 2008



MARILYN HALL PATEL
United States District Court Judge
Northern District of California