

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

JOHN V. SILVA JR. and JUDITH A. SILVA,

Plaintiffs,

No. C 09-03526 JSW

v.

EMC MORTGAGE COMPANY, et al.,

Defendants.

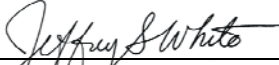
**ORDER SETTING BRIEFING
SCHEDULE ON DEFENDANTS'
MOTION TO DISMISS**

This matter is set for a hearing on November 13, 2009 at 9:00 a.m. on Defendants' motion to dismiss. Plaintiffs' opposition brief to the motion shall be filed and served by no later than **October 13, 2009** and a reply brief, if any, shall be filed and served by no later than **October 22, 2009**. Plaintiffs have an obligation to file an opposition to Defendants' motion by this deadline and failure to do so may result in the **dismissal** of these Defendants.

If the Court determines that the matter is suitable for resolution without oral argument, it will so advise the parties in advance of the hearing date. If the parties wish to modify this schedule, they may submit for the Court's consideration a stipulation and proposed order demonstrating good cause for any modification requested.

IT IS SO ORDERED.

Dated: September 22, 2009


JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SILVA, et al.,

Plaintiff,

v.

EMC MORTGAGE COMPANY et al,

Defendant.

Case Number: CV09-03526 JSW


CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on September 22, 2009, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

John V. Silva
Judith A. Silva
32258 Devonshire Street
Union City, CA 94587

Dated: September 22, 2009


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk