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## 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 (1) MODIFYING  
BRIEFING SCHEDULE ON  
DEFENDANTS' MOTION TO  
DISMISS AND (2) CONTINUING  
HEARING DATE**

The Court received the letter from Plaintiffs requesting additional time to respond to Defendants' motion to dismiss. Plaintiffs are admonished that in the Court will not consider requests from the parties in letters. All future requests for action by the Court shall be submitted by a motion pursuant to the Northern District Civil Local Rules.

The Court **HEREBY CONTINUES** the hearing on Defendants' motion to dismiss to **December 11, 2009 at 9:00 a.m.** Plaintiffs' opposition brief to the motion shall be filed and served by no later than **November 13, 2009** and a reply brief, if any, shall be filed and served by no later than **November 20, 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.

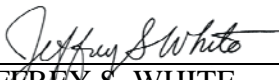
If the Court determines that the matter is suitable for resolution without oral argument, it will so advise the parties in advance of the hearing date. If the parties wish to modify this

1 schedule, they may submit for the Court's consideration a stipulation and proposed order  
2 demonstrating good cause for any modification requested.

3           The Court hereby advises Plaintiffs that a Handbook for Pro Se Litigants, which  
4 contains helpful information about proceeding without an attorney is available through the  
5 Court's website or in the Clerk's office. In addition, without making any endorsement in this  
6 regard, Plaintiffs are advised that the San Francisco Bar Association operates a lawyer referral  
7 service  
8 which may be helpful in securing pro bono counsel. Moreover, Plaintiffs may wish to seek  
9 assistance from the Legal Help Center, located on the 15th Floor of the Courthouse, Room  
10 2796, where Plaintiffs may sign up for a free appointment with an attorney who may be able to  
11 provide basic legal help, but not legal representation.

12           **IT IS SO ORDERED.**

13  
14 Dated: October 15, 2009

  
\_\_\_\_\_  
JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE

1 UNITED STATES DISTRICT COURT  
2 FOR THE  
3 NORTHERN DISTRICT OF CALIFORNIA  
4

5 SILVA, JR., et al,

Case Number: CV09-03526 JSW

6 Plaintiff,

**CERTIFICATE OF SERVICE**

7 v.

8 EMC MORTGAGE COMPANY et al,

9 Defendant.  
10 \_\_\_\_\_ /

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

13 That on October 15, 2009, I SERVED a true and correct copy(ies) of the attached, by  
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter  
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an  
16 inter-office delivery receptacle located in the Clerk's office.

17 John V. Silva  
18 Judith A. Silva  
19 32258 Devonshire Street  
20 Union City, CA 94587

21 Dated: October 15, 2009



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