

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

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

ANA GONZALEZ,

Plaintiff,

No. C 09-04571 JSW

v.

GMAC MORTGAGE, LLC, et al.,

Defendants.

**ORDER DISCHARGING ORDER  
TO SHOW CAUSE, PERMITTING  
LATE FILED BRIEFS, AND  
SETTING DEADLINE FOR  
REPLY BRIEFS**

---

On December 4, 2009, Defendants Jack Moore Realty, Inc. d/b/a All Valley Home Finance, Jack Lee Moore, Cecil Jack Rolls (sued herein as Jack Cecil Rolls), and Jason Rafael filed a Motion to Dismiss Plaintiff's First Amended Complaint. On that same date, Defendant Greenpoint Mortgage Funding, Inc. also filed a motion to dismiss. Each of these motions was set for hearing on January 15, 2010. Pursuant to Northern District Civil Local Rule 7-3(a), Plaintiff's opposition briefs were due twenty-one days before the hearing date. Plaintiff failed to file an opposition to either motion, although she had taken other actions in this case. Accordingly, on January 4, 2010, this Court issued an Order to Show Cause directing Plaintiff to show cause, by January 15, 2010, as to why this case should not be dismissed for failure to prosecute as to these defendants or why the motions should not be granted as unopposed. The Court also noted that if Plaintiff sought to file an opposition brief to either of the Defendants' motions, she must demonstrate good cause for her failure to comply with the Local Rules and should file any request to file a late opposition brief also must be filed by January 15, 2010.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

The Court also continued the hearings to February 12, 2010.

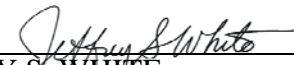
On January 14, 2010, Plaintiff's counsel filed a declaration responding to the Order to Show Cause. In that declaration, counsel assumes full responsibility for the failure to file timely opposition briefs and avers that her failure to comply with the Court's deadline "was inadvertent due to [her] extensive case load." (Declaration of Sharon L. Lapin, ¶ 4.)

Although the Court finds counsel's explanation unsatisfactory, it shall not penalize her client. Counsel is **HEREBY ADVISED** that future failures to comply with court deadlines shall result in monetary sanctions being imposed. Counsel is **FURTHER ORDERED** to serve a copy of this Order on her client, and both counsel and her client are **HEREBY ADVISED** that additional failures to comply with Court orders or deadlines may result in sanctions.

The Court shall accept the late filed opposition briefs, and Defendants shall file their reply briefs by no later than January 29, 2010. The Court notes that both parties have exceeded this Court's Standing Order 6 regarding page limitations on motions, which provides that "[a]ll briefs, whether in support of, in opposition to, or in reply to any motion, with the exception of summary judgment motions and claims construction briefs, may not exceed fifteen pages in length, exclusive of title pages, indices of cases, table of contents, exhibits, and summaries of argument, if required." If the parties violate this Standing Order in the future, the Court shall strike the offending brief from the record.

**IT IS SO ORDERED.**

Dated: January 15, 2010

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