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5 Attorney for Plaintiff,  
 6 **ANTONIO ACEVEDO**

7 **UNITED STATES DISTRICT COURT**  
 8 **NORTHERN DISTRICT OF CALIFORNIA**

10 ANTONIO ACEVEDO,  
 11 Plaintiff,  
 12 v.

CASE NO.: 3:09-CV-04761-BZ

**PLAINTIFF'S RESPONSE TO ORDER TO  
 SHOW CAUSE**

13 JPMORGAN CHASE f/k/a WASHINGTON  
 14 MUTUAL BANK; LONG BEACH  
 15 MORTGAGE COMPANY; CALIFORNIA  
 16 RECONVEYANCE COMPANY;  
 DEUTSCHE BANK NATIONAL TRUST;  
 CALIFORNIA REALTY & INVESTMENT;  
 CESAR A. BUITRAGO; and PAUL  
 GUERRERO,

DATE: April 12, 2010  
 TIME: 4:00 p.m.  
 CTRM: G, 15<sup>th</sup> Floor

17 Defendants.

Honorable Bernard Zimmerman

18 \_\_\_\_\_  
 19  
 20 I, SHARON L. LAPIN, for my Response to this Honorable Court's Order To Show Cause,  
 21 dated March 23, 2010, (Docket No. 9) hereby declare as follows:

22 I am an attorney at law, duly licensed to practice law in the State of California, and duly  
 23 admitted to the federal bar and to practice before the United States District Court for the Northern  
 24 District of California. I am the attorney of record for Plaintiff, ANTONIO ACEVEDO, in this  
 25 matter.

26 **PLAINTIFF'S RESPONSE TO ORDER TO SHOW CAUSE**

27 After receiving the Court's March 23, 2010, Order to Show Cause Why Case Should Not Be  
 28 Dismissed For Failure To Prosecute (Docket No.9) and checking the subject Docket reports on the

1 PACER system, Plaintiff has determined that **there appear to have been two separate Case**  
2 **Numbers assigned to this matter.** Specifically, these Case Numbers appear to have been **3:09-cv-**  
3 **04765-JSW**, and (the Case Number here): **3:09-cv-04761-BZ**.

4 Case Number **04765-JSW was Dismissed, Without Prejudice**, by Order of the Honorable  
5 Jeffrey S. White on February 17, 2010. (3:09-cv-04765-JSW; Docket No. 34)

6 Until Plaintiff received this Court's Order To Show Cause (Docket No. 9) Plaintiff was  
7 unaware that a second Case, with a different Case Number, remained pending in this Court.

8 Accordingly, Plaintiff respectfully requests that this Honorable Court issue its Order,  
9 dismissing all claims herein, as against all parties hereto, *without prejudice*, consistent with the  
10 above-referenced Order of Dismissal, Without Prejudice, issued by the Honorable Jeffrey S. White  
11 on February 17, 2010, regarding the inadvertent "companion" case. With regard to the remaining  
12 case, no Defendant has yet been served herein, and no unfair prejudice or harm will result to any  
13 Defendant as a result of granting the requested dismissal, *without prejudice*.

14 I declare under penalty and perjury under the laws of the State of California that the  
15 foregoing is true and correct and if called as a witness I could testify competently hereto.

16  
17  
18  
19 Dated: March 25, 2010

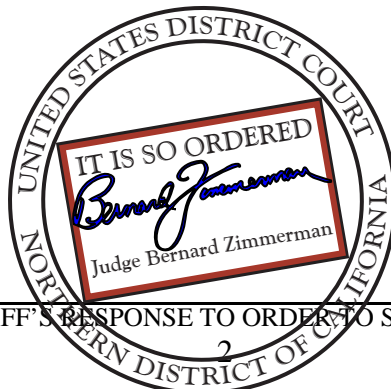
Respectfully submitted,

LAW OFFICES OF SHARON L. LAPIN

/s/ Sharon L. Lapin  
SHARON L. LAPIN  
Attorney for Plaintiff,  
**ANTONIO ACEVEDO**

20  
21  
22  
23 Request GRANTED - the Order To Show Cause presently scheduled for Monday,  
24 April 12, 2010 is DISCHARGED. Case is DISMISSED without prejudice.

25 Dated: April 7, 2010



1 **CERTIFICATE OF SERVICE**

2 STATE OF CALIFORNIA )  
3 )ss.  
4 COUNTY OF SACRAMENTO)

5 I am a citizen of the United States and a resident of the County of Sacramento. I am over  
6 the age of 18 years and not a party to the within above-entitled action; my business address is 2882  
Prospect Park Drive, Ste. 350, Rancho Cordova, CA 95670.

7 On this date I served the foregoing document described as follows:

8 **PLAINTIFF’S RESPONSE TO ORDER TO SHOW CAUSE**

9 on the following interested parties in this action:

10 SEE ATTACHED SERVICE LIST

11 The following is the procedure in which service of this document was effected:

- 12  Facsimile, Time: \_\_\_\_\_ P.M.; Date:
- 13  Federal Express, Priority Overnight
- 14  United Parcel Service, Next Day Air
- 15  United States Mail,

16 ✓ By Electronic Mail - I hereby certify that I electronically transmitted the attached  
17 document(s) to the Clerk’s Office using the CM/ECF System for filing and transmittal of Notice of  
Electronic Filing to the above listed CM/ECF registrants.

18 I declare under penalty of perjury that the foregoing is true and correct under the laws of the  
19 State of California and that this declaration was executed on March 25, 2010 at Sacramento,  
California.

20  
21 /s/Andrea E. Stafford  
ANDREA E. STAFFORD

**SERVICE LIST**

REPRESENTATIVES:

PARTIES:

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