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## UNITED STATES DISTRICT COURT

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## NORTHERN DISTRICT OF CALIFORNIA

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ANTONIO P. SANCHEZ,

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Case No. 09-5574 SC

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Plaintiff,

)

ORDER TO SHOW CAUSE

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v.

)

WHY CASE SHOULD NOT

BE DISMISSED

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BANK OF AMERICA F/K/A COUNTRYWIDE  
HOME LOANS; NATIONS FIRST LENDING,  
INC.; ALCA CORPORATION D/B/A HOME  
FUNDERS FINANCIAL; ROMEO FELISCO  
ALVIDERA; GI HUANG LI; and DOES 1-  
20 inclusive,

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Defendants.

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This case was filed on November 24, 2009. See Docket No. 1.

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On January 21, 2010, Defendant Countrywide Home Loans, Inc. filed

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a motion to dismiss. Docket No. 16. On February 4, 2010,

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Defendant Gi Huang Li filed a motion to dismiss. Docket No. 20.

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On the same date, Defendants Alca Corporation d/b/a Home Funders

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Financial, and Romeo Felisco Alvidera, filed a motion to strike,

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Docket No. 22, a motion for more definite statement, Docket No.

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23, and a motion to dismiss, Docket No. 24.

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Plaintiff has not responded to these motions. Instead, on

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February 25, 2010, Plaintiff filed an untimely Statement of Non-

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Opposition, stating that Plaintiff does not oppose dismissal of

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Plaintiff's two federal causes of action. Docket No. 30. On

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February 26, 2010, Plaintiff filed an Amended Complaint, in

1 violation of Federal Rule of Civil Procedure 15(a)(1)(B), which  
2 requires amending pleadings to be filed within twenty-one days of  
3 service of a Rule 12(b) motion. Plaintiff's counsel, Sharon  
4 Lapin, has pursued a similar tactic in other federal actions. See  
5 Esbeidy Saucedo v. First Franklin Loan Servs., No. 09-5573 (N.D.  
6 Cal.); Alfredo Mejia v. Countrywide Home Loans, No. 09-2346; (E.D.  
7 Cal.), Phillip Crump v. Franklin Credit Mgmt., No. 09-2378 (E.D.  
8 Cal.); Frank Williams v. Bank of America; No. 09-3060 (E.D. Cal.).  
9 It appears to the Court that Plaintiff's counsel is seeking to  
10 delay resolution of this case on the merits.

11 The Court ORDERS Plaintiff's counsel to show cause in writing  
12 no later than March 26, 2010, why this case should not be  
13 dismissed for failure to comply with the Court's local rules and  
14 the federal rules. The show-cause hearing is scheduled for April  
15 9, 2010, at 10:00 a.m. in Courtroom 1, on the 17th floor, U.S.  
16 Courthouse, 450 Golden Gate Avenue, San Francisco, CA 94102. The  
17 hearing on the pending motions scheduled for March 19, 2010, is  
18 VACATED.

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20 IT IS SO ORDERED.

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22 Dated: March 17, 2010

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UNITED STATES DISTRICT JUDGE