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United States District Court
For the Northern District of California

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

DELAINE M. HOFFMAN,

No. C-10-0802 MMC

Plaintiff,

**ORDER CONTINUING HEARING ON
MOTION TO DISMISS**

v.

INDYMAC BANK FSB, et al.,

Defendants

On May 27, 2010, defendants OneWest Bank, FSB, Mortgage Electronic Registration Systems, Inc., Quality Loan Service Corporation, McCarthy & Holthus, LLP, Gayle Jameson, and Federal National Mortgage Association filed a motion to dismiss plaintiff Delaine M. Hoffman's First Amended Complaint, and noticed the motion for hearing on July 2, 2010. On May 27, 2010, said defendants endeavored to serve plaintiff by mail with a copy of the motion at her prior, rather than then current, address of record; on June 1, 2010, defendants served plaintiff by mail with a copy of the motion at her current address of record.

Under the Local Rules of this District, a motion must be noticed for hearing "not less than 35 days after service of the motion." See Civil L.R. 7-2(a). Consequently, because plaintiff was not served by mail at her current address of record until June 1, 2010, the


1 earliest Friday on which the motion can properly be heard is July 9, 2010.

2 Accordingly, the hearing on the above-referenced motion to dismiss is hereby
3 CONTINUED from July 2, 2010 to July 9, 2010.

4 In light of the above continuance, plaintiff's opposition, if any, shall be filed and
5 served on defendants on or before June 18, 2010, and defendants' reply, if any, shall be
6 filed and served on plaintiff on or before June 25, 2010. See Civil L.R. 7-3.

7 **IT IS SO ORDERED.**

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9 Dated: June 4, 2010


MAXINE M. CHESNEY
United States District Judge

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