

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

MICHAEL R. OUELLETTE, et al.,

Plaintiffs,

No. C 10-02078 JSW

v.

JP MORGAN CHASE BANK, N.A., et al.,

Defendants.

**ORDER REGARDING
DEFENDANTS' REQUEST FOR A
CONTINUANCE**

_____ /

Defendants filed a request for a twenty-one day extension to file an opposition to Plaintiffs' application for a temporary restraining order ("TRO"). However, Defendants did not state that they would agree to postpone the scheduled trustee sale. The Court will provide Defendants an extension, but only on the condition that they agree to postpone the trustee sale until July 9, 2010. If Defendants agree to this postponement, Defendants shall have until June 9, 2010 to file an opposition. Plaintiffs shall then file a reply, if any, by June 16, 2010. The Court will hold a hearing on Plaintiffs' TRO on July 2, 2010. By 1:00 p.m. on May 19, 2010, Defendants shall file a statement attesting to their agreement to postpone the trustee sale.

If Defendants will not agree to postpone the trustee sale, Defendants shall file their opposition by 1:00 p.m. on May 19, 2010 and appear for the hearing at 4:00 p.m. scheduled for same day.

The Court has received Plaintiffs' response to the Order to Show Cause ("OSC"). Although Plaintiffs failed to comply fully with the Court's Order, the Court will not dismiss

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

Plaintiffs' complaint. However, Plaintiffs are admonished that any future violations of the Court's orders, including missing filing deadlines, will be sanctioned, to be paid by Plaintiffs' counsel.

IT IS SO ORDERED.

Dated: May 19, 2010

/s/
WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE