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

DOROTHY L. TURNER,
Plaintiff,

No. C 10-02409 WHA

v.

**ORDER REGARDING
DEFENDANTS' RESPONSE TO
THE ORDER TO SHOW CAUSE**

AURORA LOAN SERVICES LLC, and
any and all persons unknown, claiming any
legal right, title, estate, lien, or interest in
the property described in the complaint
adverse to Plaintiff's title, or any cloud on
Plaintiff's title thereto, and DOES 1
through 50, inclusive,

Defendants.

On July 19, 2010, an order to show case was issued due to *pro se* plaintiff Dorothy L. Turner's failure to file a timely opposition brief to defendants' pending motion to dismiss (Dkt. No. 15). The order to show cause specifically noted that defendants had properly served notice of the motion and the August 5 hearing date on plaintiff Turner via Federal Express overnight delivery, based upon declarations submitted with their motion (Dkt. No. 5, 13). Plaintiff was ordered to respond by August 5.


Defendants now wish to correct the record. After checking their Federal Express shipping receipts, defendants are now unsure whether plaintiff actually received these documents and knew that a motion to dismiss was pending (Dkt. No. 16). They have therefore re-noticed the hearing on the motion and sent plaintiff a new Federal Express mailing containing the new hearing date.

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In light of defendants' error and corrective actions, plaintiff does *not* need to submit a response to the order to show cause filed by the Court on July 19. That order is **VACATED**. Plaintiff need only focus on filing a timely opposition brief to defendants' pending motion to dismiss. Under the 35-day calendar, plaintiff's opposition brief must be filed with the Court no later than **AUGUST 5, 2010**. Defendants shall ensure that plaintiff receives a copy of this order and that all documents pertaining to the pending motion have been properly served on *and received by* plaintiff.

IT IS SO ORDERED.

Dated: July 21, 2010.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE