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6 IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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RAMON GONZALEZ,

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Plaintiff,

No. C 11-03561 JSW

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v.

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BAC HOME LOANS SERVICING, L.P., et al.

**ORDER SETTING BRIEFING
SCHEDULE AND CONTINUING
HEARING**

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Defendants.

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On July 20, 2011, this case was removed from the Superior Court of the State of California for the County of Alameda. On July 27, 2011, Defendants filed a motion to dismiss, which was noticed for hearing on August 30, 2011 before Magistrate Judge Laporte, and Defendants served a copy of the motion and the related papers by mail on Plaintiff, who is proceeding *pro se*. (See Docket Nos. 6-8, 10.)

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On August 8, 2011, Plaintiff declined to proceed before Magistrate Judge Laporte, and the case was reassigned to the undersigned. Thereafter, instead of merely filing a new notice of hearing, Defendants re-filed all of the papers associated with their motion to dismiss and set the matter for hearing on September 9, 2011. Because that date was not an open date on this Court's calendar, Defendants were required to notice the motion for a new date.

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Defendants again did not merely file a new notice of hearing and instead re-filed all of the papers associated with their motion to dismiss. The motion is now scheduled to be heard on September 23, 2011. (See Docket Nos. 17-19, 21-23.) Under Northern District Local Rule 7-3(a), an opposition to a motion "must be served and filed not more than 14 days after the motion

1 is served and filed.” Because Plaintiff is *pro se*, if Defendants served Plaintiff by mail, an
2 additional three days would be added to the time in which Plaintiff would be required to
3 respond. *See* N.D. Civ. L.R. 5-5(a)(2) (citing Fed. R. Civ. P. 6(d)). Although there is proof of
4 service on Plaintiff with respect to the motion originally filed, there is no proof of service as to
5 the subsequently filed motions.

6 Because Plaintiff is proceeding *pro se*, and because Defendants have repeatedly filed
7 their motion to dismiss, the Court issues this Order to clarify any confusion arising from these
8 repeated filings.

9 Accordingly, Plaintiffs’ opposition brief to the motion papers docketed as docket nos. 21
10 to 23 shall be due by no later than September 16, 2011. Defendants’ reply shall be due by no
11 later than September 30, 2011.

12 The Court HEREBY CONTINUES the hearing from September 23, 2011 at 9:00 a.m.
13 to October 28, 2011 at 9:00 a.m. If any party seeks to modify this briefing schedule or to
14 continue the hearing date, they must submit a request to the Court demonstrating good cause for
15 any such request.

16 Defendants are admonished that, in the future, they must file proof of service as to all
17 papers served on Plaintiff.

18 **IT IS SO ORDERED.**

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20 Dated: August 29, 2011
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JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

6 | RAMON GONZALEZ,

Case Number: CV11-03561 JSW

Plaintiff,

CERTIFICATE OF SERVICE

8 | V.

9 | BAC HOME LOANS et al,

Defendant.

12 I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
District Court, Northern District of California.

13 That on August 29, 2011, I SERVED a true and correct copy(ies) of the attached, by
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter
15 listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an
inter-office delivery receptacle located in the Clerk's office.

17 Ramon Gonzalez
18 647 Tamarack Drive
Union City, CA 94587

Dated: August 29, 2011

Jennifer Ottolini

Richard W. Wiekling, Clerk
By: Jennifer Ottolini, Deputy Clerk