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7 UNITED STATES DISTRICT COURT
 8 NORTHERN DISTRICT OF CALIFORNIA

9 PATRICIA C. KVAM.
 10
 11 Plaintiff.

Case No.: 3:11-cv-04004-MEJ

**REQUEST FOR LEAVE OF COURT TO
 MOTION TO VACATE OR SET ASIDE THE
 COURT'S ORDER TO DISMISS**

12 v.

13 CHASE HOME FINANCE, LLC, a Delaware
 Limited Liability Corporation, purported
 14 successor in interest to WASHINGTON
 MUTUAL BANK, F.A., a Washington
 Corporation; CALIFORNIA
 15 RECONVEYANCE COMPANY, a California
 corporation, DOES 1 through 20, inclusive,
 16 and all persons unknown, claiming any legal
 or equitable right, title, estate, lien, or interest
 17 in the property described in the complaint
 adverse to Plaintiffs' title, or any cloud on
 18 Plaintiffs' title thereto, named as DOES 21-
 100, inclusive,
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 20 Defendants.

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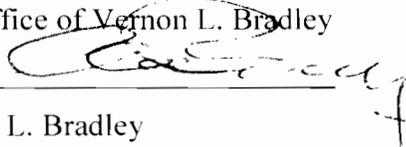
23
 24 Plaintiff Patricia C. Kvam's attorney of record has made an error and mistake by missing the
 25 emailed notices for both the motion to dismiss and the order to show cause. Plaintiff requests the
 26 Court grant her leave to re-set the Defendant's motion to dismiss date, or allow Plaintiff to file a
 27 motion to set aside and vacate your Honor's Order Dismissing Case. Your Honor's Order is
 28 attached hereto as Exhibit A. Such motion to vacate would go unopposed as Chase's Counsel,

1 Cyndi Claxton. has already agreed to allow us to go forward on the merits and not oppose a motion
2 to set aside and vacate the prior order of dismissal. Claxton's email confirming her non-opposition
3 is attached as Exhibit B.

4 Please allow us to vacate the order and re-set a date for the motion to dismiss with enough days
5 for both an opposition and reply so as to prevent any prejudice to either party.

6 Date: October 17, 2011

Law Office of Vernon L. Bradley

7 
Vernon L. Bradley

8 Attorney for Plaintiff,

9 Patricia C. Kvam.

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11 This case is hereby REOPENED. Plaintiff shall file any opposition to Defendant's motion to
12 dismiss by October 27, 2011. Defendant shall file any reply by November 10, 2011. The
13 Court shall conduct a hearing on December 8, 2011 at 10:00 a.m. in Courtroom B, 15th Floor,
450 Golden Gate Avenue, San Francisco, California.

14 IT IS SO ORDERED.

15 Dated: October 20, 2011



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Exhibit A

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UNITED STATES DISTRICT COURT
Northern District of California

PATRICIA K KVAM,

No. C 11-04004 MEJ

Plaintiff.

ORDER DISMISSING CASE

v.

CHASE HOME FINANCE LLC, et al.,

Defendants.

_____ /

On September 6, 2011, the Defendants in the above-captioned matter filed a motion to dismiss, with a noticed hearing date of October 20, 2011. Dkt. No. 5. As Plaintiff Patricia Kvam failed to file an opposition pursuant to Civil Local Rule 7, the Court ordered Plaintiff to show cause why this case should not be dismissed for failure to prosecute and failure to comply with court deadlines. Dkt. No. 10. The Court ordered Plaintiff to file a responsive declaration by October 6, 2011. Plaintiff has failed to respond. Accordingly, based on Plaintiff's failure to oppose Defendants' motion to dismiss and failure to respond to the order to show cause, this case is hereby DISMISSED WITHOUT PREJUDICE. The Clerk of Court shall close the file.

IT IS SO ORDERED.

Dated: October 13, 2011



Maria-Elena James
Chief United States Magistrate Judge

UNITED STATES DISTRICT COURT
For the Northern District of California

Exhibit B

Vernon L. Bradley

From: Claxton, Cyndi [claxtonc@bryancave.com]
Sent: Thursday, October 13, 2011 3:00 PM
To: 'Vernon L. Bradley'
Subject: Kvam: Your Motion to Set Aside

Dear Mr. Bradley:

This confirms our discussion earlier today regarding the court's dismissal of plaintiffs' case for failure to prosecute/respond to the Order to Show Cause and oppose the motion to dismiss.

We will not oppose plaintiff's motion brought on the basis of inadvertence and error to set aside the dismissal.

Sincerely,

Cyndi J. Claxton, Esq.
Bryan Cave LLP
Two Embarcadero Center,
Suite 1410
San Francisco, CA 94111
(415) 675-3462 Phone
(415) 675-3686 Fax
claxtonc@bryancave.com

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