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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA
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11 RICHARD A. FRUSTERE,
12 Plaintiff,
13 v.

No. C 11-6395 MMC

**ORDER DENYING AS MOOT
DEFENDANT WELLS FARGO BANK,
N.A.'S MOTION TO DISMISS**

14 WELLS FARGO BANK, N.A., BRENDAN
15 MURPHY, individually and as trustee of the
16 MURPHY FAMILY TRUST, and DOES 1 to
100,
17 Defendants.
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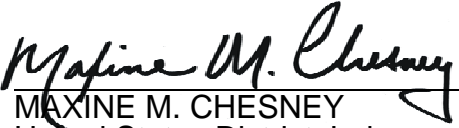
19 Before the Court is defendant Wells Fargo Bank, N.A.'s Motion to Dismiss, filed
20 January 10, 2012, by which Wells Fargo seeks dismissal of plaintiff Richard A. Frustere's
21 ("Frustere") complaint pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.
22 By order filed February 8, 2012, the Court deemed the matter submitted on the moving
23 papers. On February 10, 2012, the parties filed a stipulation to permit Frustere to file a
24 First Amended Complaint, and, on February 14, 2012, the Court issued an order approving
25 said stipulation. On February 16, 2012, Frustere filed his First Amended Complaint.¹

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27 ¹ Frustere has violated General Order 45 and the Court's standing orders, however,
28 by failing to deliver to the Clerk's Office "no later than noon on the business day following
the day that the papers are filed electronically, one paper copy of each document that is
filed electronically . . . marked 'Chambers Copy' and . . . clearly marked with the judge's
name, case number, and 'Chambers Copy-Do Not File.'" See General Order 45 § VI.G; see
also Standing Orders For Civil Cases Assigned to The Honorable Maxine M. Chesney ¶ 2.

1 Accordingly, the Court hereby DENIES as moot Wells Fargo's motion to dismiss.

2 **IT IS SO ORDERED.**

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4 Dated: February 23, 2012

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6 MAXINE M. CHESNEY
7 United States District Judge
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27 Frustere is hereby advised that if he fails in the future to comply with the Court's order to
28 provide chambers copies of electronically-filed documents, the Court may impose
sanctions, including, but not limited to, striking from the record any electronically-filed
document of which a chambers copy has not been timely provided to the Court.