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UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

REYNALDO CULANNAY, *et al.*,

No. C 12-03120 LB

Plaintiffs,

v.

ORDER RESCHEDULING MOTION TO
DISMISS AND MOTION TO REMAND
HEARING TO NOVEMBER 15, 2012,
AND DIRECTING SERVICE OF
PROCESSFREDDIE MAC FIXED TO FLOATING
RATE NON CUMULATIVE PERPETUAL
PREFERRED STOCK, *et al.*,

Defendants.

Defendant Credit Suisse removed this lawsuit from Contra Costa County Superior Court on June 15, 2012. *See* Notice of Removal, ECF No. 1. Credit Suisse filed a motion to dismiss on June 21, 2012 that is set for a hearing on August 2, 2012. *See* Mot. To Dismiss, ECF No. 4. Plaintiffs have not complied with Local Civil Rule 7-3, which required them to file an Opposition or Statement of Nonopposition by July 5, 2012.

On July 2, 2012, Plaintiffs filed a Motion to Remand and for Attorneys Fees. Mot. to Remand, ECF No. 9. Plaintiffs Motion to Remand was noticed for hearing on August 2, 2012, in violation of Local Civil Rule 7-2(a) (“all motions must be filed, served and noticed in writing on the motion calendar of the assigned Judge for hearing not less than 35 days after service of the motion”).

Finally, while Credit Suisse has consented to this court's jurisdiction, there is an outstanding June 27 reminder to Plaintiffs to consent or decline. *See* Consent (Credit Suisse), ECF No. 8; Clerk's Notice re Consent, ECF No. 7. Defendants Freddie Mac Fixed to Floating Rate Non Cumulative Perpetual Preferred Stock, Federal Home Loan Mortgage Corporation, Computer Share

1 Trust Company, N.A., Washington Mutual, Bank, FA, Lehman Brothers, Goldman Sachs & Co.,
2 Banc of America Securities, LLC, CITI, Deutsche Bank Securities, Morgan Stanley, USB
3 Investment Bank, and Quality Loan Service Corporation, have not appeared, and the docket does not
4 reflect that they have been served. The 120-day period to serve them expires on October 15, 2012
5 (because the exact date falls on a weekend). *See* Fed. R. Civ. P. 4(m).

6 Under the circumstances, the court vacates both August 2, 2012 hearings and re-sets them to
7 November 15, 2012, at 11:00 a.m. Plaintiff is directed to serve each Defendant by October 15, 2012
8 and to file proof of service by October 18, 2012. Pursuant to Federal Rule of Civil Procedure 4(m),
9 the court may dismiss any Defendant for which proof of service is not timely filed.

10 IT IS SO ORDERED.

11 Dated: July 13, 2012



LAUREL BEELER
United States Magistrate Judge

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