

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

United States District Court  
Northern District of California

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

IRMA T. CRUZ,  
  
Plaintiff,  
  
v.  
  
CENTRAL MORTGAGE COMPANY, d.b.a.  
CENTRAL MORTGAGE LOAN  
SERVICING COMPANY, and OLD  
REPUBLIC DEFAULT MANAGEMENT  
SERVICES,  
  
Defendants.

Case No.: 12-cv-4542 JSC  
  
**ORDER REGARDING AUTOMATIC  
STAY PURSUANT TO 11 U.S.C. § 362(a)**

On October 25, 2012, the Court issued an Order to Show Cause (Dkt. No. 13) as to why this action was not subject to the automatic stay provisions of 11 U.S.C. § 362(a) in light of Plaintiff’s Chapter 7 Bankruptcy Petition filed with the Central District of California Bankruptcy Court on October 4, 2012. *See* Case No. 2:12-bk-43633-RK (C.D. Cal. Bankr.). Plaintiff has not responded to the Court’s Order to Show cause and the deadline to do so was November 8, 2012.<sup>1</sup> However, a review of the docket in Plaintiff’s Chapter 7 proceeding indicates that the action was dismissed on October 29, 2012 for failure to file the requisite documents. *See* Case No. 2:12-bk-43633-RK (C.D.

<sup>1</sup> Defendant Central Mortgage Company filed a response contending that the 11 U.S.C. § 362(a) did not apply. (Dkt. No. 14.)

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

Cal. Bankr.) (Dkt. No. 9.) The bankruptcy court's dismissal order specifically notes that the automatic stay is no longer in effect.

Accordingly, the Court's Order to Show Cause (Dkt. No. 13) is vacated. Plaintiff's opposition to Defendants' Motion to Dismiss (Dkt. No. 10) is due November 28, 2012. Defendants' reply, if any, is due December 5, 2012. The Court will hear oral argument on December 13, 2012 at 9:00 a.m. in Courtroom F, 450 Golden Gate Avenue, San Francisco, California.

Failure to comply with this Order and file an opposition to the Motion to Dismiss may result in the dismissal of this action for failure to prosecute. *See* Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED.**

Dated: November 14, 2012

  
\_\_\_\_\_  
JACQUELINE SCOTT CORLEY  
UNITED STATES MAGISTRATE JUDGE