

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

SEAN DEFFENBAUGH and LORENA
MENDOZA,

No. C 13-02170 JSW

Plaintiffs,

**ORDER CONTINUING MOTION
HEARING AND SETTING
BRIEFING SCHEDULE ON
PENDING MOTIONS AND
VACATING CASE
MANAGEMENT CONFERENCE**

v.

FIRST CALIFORNIA MORTGAGE
COMPANY, et al.,Defendants.

This matter is scheduled for a hearing on two motions to dismiss and a motion to remand on August 30, 2013. In reviewing the docket, it has come to the Court's attention that the motions are not yet fully briefed or ripe for resolution, although the deadlines for responding to various motions has passed. In light of the fact that this case was reassigned several times, and the hearings on the motions have been continued several times, rather than issue an Order to Cause, the Court shall set a **final** briefing schedule in this Order, and shall continue the hearing from August 30, 2013, to Friday, November 15, 2013 at 9:00 a.m.

On May 17, 2013, Defendants Citimortgage, Inc. ("Citimortgage") and Mortgage Electronic Registration Systems, Inc. ("MERS"), filed a motion to dismiss, which is now scheduled for a hearing on August 30, 2013. (Docket No. 8.) Plaintiffs have not filed an opposition to that motion. Accordingly, Plaintiffs shall file and serve an opposition to that motion by no later than **Monday, August 26, 2013**. Citimortgage and MERS may file and serve a reply by no later than **Tuesday, September 3, 2013**.

1 On June 10, 2013, Plaintiffs filed a motion to remand. (Docket No. 15.) Citimortgage
2 and MERS have opposed that motion, but Defendant First California Mortgage ("First
3 California") has not. If First California opposes the motion, it shall file and serve an opposition
4 by no later than **Monday, August 26, 2013**. Plaintiffs shall file and serve a reply brief in
5 support of their motion to remand by no later than **Tuesday, September 3, 2013**.

6 Finally, on June 24, 2013, First California filed a Motion to Dismiss. (Docket No. 21.)
7 Plaintiffs have not opposed that motion. Plaintiffs shall file and serve opposition brief by no
8 later than **Monday, August 26, 2013**. First California may file and serve a reply brief by no
9 later than **Tuesday, September 3, 2013**.

10 If the Court finds the motions suitable for disposition without oral argument, it shall
11 notify the parties in advance of the hearing date.

12 This matter also is scheduled for a case management conference on August 16, 2013. In
13 light of the pending motions to dismiss and to remand, the Court VACATES the case
14 management conference. The Court shall schedule the initial case management conference, if
15 necessary, in its order resolving the motions.

16 Finally, the Court HEREBY ADVISES Plaintiffs that a Handbook for Pro Se Litigants,
17 which contains helpful information about proceeding without an attorney, is available through
18 the Court's website or in the Clerk's office. The Court also advises Plaintiffs that they also may
19 wish to seek assistance from the Legal Help Center. Plaintiffs may call the Legal Help Center
20 at 415-782-8982 or sign up on the 15th Floor of the Courthouse, Room 2796, for a free
21 appointment with an attorney who may be able to provide basic legal help, but not legal
22 representation.

23 **IT IS SO ORDERED.**

24 Dated: August 12, 2013

25 
26 JEFFREY S. WHITE
27 UNITED STATES DISTRICT JUDGE
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

SEAN DEFFENBAUGH et al,
Plaintiff,

Case Number: CV13-02170 JSW

CERTIFICATE OF SERVICE

v.

FIRST CALIFORNIA MORTGAGE
COMPANY et al,
Defendant.

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

That on August 12, 2013, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter 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.

Lorena Mendoza
Sean Deffenbaugh
3843 Jefferson Street
Napa, CA 94559

Dated: August 12, 2013


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