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

SEAN DEFFENBAUGH,

Plaintiff,

No. C 13-02170 JSW

v.

FIRST CALIFORNIA MORTGAGE
COMPANY,

Defendant.

ORDER TO SHOW CAUSE

_____ /

This matter is set for a hearing on November 15, 2013 on the motions to dismiss filed by defendants CitiMortgage, Inc. (“CMI”), Mortgage Electronic Registration Systems, Inc. (“MERS”), and First California Mortgage Company (“First California”) (collectively, “Defendants”). Pursuant to Local Civil Rule of the Northern District 7-3, an opposition or statement of non-opposition to the motion filed by CMI and MERS was due to be filed and served by May 31, 2013 and an opposition or statement of non-opposition to the motion filed by First California was due to be filed and served by July 8 2013. To date, Plaintiff has not filed any opposition or statement of non-opposition.

Plaintiff is **HEREBY ORDERED TO SHOW CAUSE (“OSC”)** in writing, by **October 17, 2013**, why the pending motions to dismiss should not be granted in light of his failure to file timely oppositions or statements of non-opposition. If Plaintiff seeks to file substantive responses to Defendants’ motions, Plaintiff must demonstrate good cause for failing to his opposition briefs in a timely fashion. In his response to this OSC, Plaintiff is also directed to

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show cause why this case should not be dismissed for failure to prosecute. Plaintiff is admonished that their failure to respond this Order by **October 17, 2013**, will result in a dismissal of this action without further notice.

If Plaintiff files substantive responses to Defendants' motions and demonstrates good cause for his delay, Defendants may file reply briefs by no later than October 24, 2013.

IT IS SO ORDERED.

Dated: October 7, 2013



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

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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 October 7, 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.

Sean Deffenbaugh
Lorena Mendoza
3843 Jefferson Street
Napa, CA 94559

Dated: October 7, 2013


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