

UNITED STATES DISTRICT COURT

Northern District of California

San Francisco Division

JOSE CRUZ, et al.,

No. C 15-00585 LB

Plaintiffs,

v.

**ORDER GRANTING PLAINTIFFS'
REQUEST TO FILE A LATE
OPPOSITION**

AURORA LOAN SERVICES LLC,

Defendant.

In this mortgage- and foreclosure-related action, Defendant has moved to dismiss Plaintiffs' complaint. Defendant filed and served its motion on March 16, 2015, which means, under this district's civil local rules, that Plaintiffs' opposition was due on March 30, 2015. That day came and went, but Plaintiffs never filed an opposition. After Defendant filed a notice of non-opposition on April 8, 2015, Plaintiffs filed an opposition the next day. In a declaration attached to the untimely opposition, Plaintiffs' counsel states that his office's calendar clerk mistakenly thought the opposition was due nine calendar days before the hearing on the motion (as he says is the rule in state court). He therefore asks the court to consider his late opposition. He says that this will cause no prejudice because Defendant still may have seven calendar days to file a reply (in accordance with this district's civil local rules) and there still will be enough time for the court to consider the briefing because the motion is not set for hearing until May 7, 2015. Defendant has not filed anything indicating that it opposes Plaintiffs' request and in fact filed its reply to Plaintiffs' opposition seven days after the opposition was filed.

1 Upon consideration of Plaintiffs' request, the court grants it. The court will consider Plaintiffs'
2 late opposition and Defendant's reply.

3 **IT IS SO ORDERED.**

4 Dated: April 17, 2015

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6 LAUREL BEELER
7 United States Magistrate Judge
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