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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SADIE S. SHAW,  
Plaintiff,  
v.  
OCWEN LOAN SERVICING, LLC, et al.,  
Defendants.

Case No. [15-cv-01755-JD](#)

**ORDER LIFTING STAY AND RE  
RESPONSE TO MOTION**

Re: Dkt. No. 14

Plaintiff Sadie S. Shaw, proceeding pro se, filed this action against Defendants J.P. Morgan Chase, Mortgage Electronic Registration Systems, Inc. (“MERS”), and OCWEN Loan Servicing, LLC (“OCWEN”) on April 17, 2015. Dkt. No. 1. Plaintiff has voluntarily dismissed defendant J.P. Morgan Chase. Dkt. No. 35.

Defendants MERS and OCWEN filed a motion to dismiss the complaint on July 31, 2015. Dkt. No. 14. To date, plaintiff Shaw has not filed an opposition to the motion.

Under Civil Local Rule 7-3, plaintiff Shaw should have filed a response to the motion to dismiss by August 17, 2015. *See* Civil L.R. 7-3 (“The opposition must be filed and served not more than 14 days after the motion was filed. . . However, by this Local Rule, the Court extends by 3 days the deadline to file an opposition to a motion if the motion was not filed and served through the Court’s Electronic Case Filing (ECF) system and was served pursuant to Fed. R. Civ. P. 5(b)(2)(C), (D), (E) or (F)”); *see also* Dkt. No. 19.

Under Civil Local Rule 7-7(d), the deadline to oppose the motion to dismiss was not extended when defendants filed a notice changing the date of the hearing on August 3, 2015. *See* Dkt. No. 19 (changing hearing date); Civil L.R. 7-7(d) (“the continuance of the hearing of a motion does not extend the time for filing and serving the opposing papers”).

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The reassignment of the case to this Court on August 13, 2015 also did not extend the deadline for plaintiff to file an opposition to the motion. Dkt. No. 22 (“Briefing schedules ... remain unchanged.”)

Consequently, when the Court stayed this case on September 3, 2015, pending completion of an ADR process, plaintiff’s opposition to the motion to dismiss was already overdue. *See* Dkt. No. 27.

The ADR process has now completed and the Court now lifts the stay. The Court orders Shaw to file either an opposition or a statement of non-opposition to defendants’ Rule 12(b)(6) motion to dismiss (Dkt. No. 14) by November 4, 2015. The response must comply in all respects with the Federal Rules of Civil Procedure and the Court’s Civil Local Rules, including Rules 7-3 to 7-5. Shaw may wish to consult a manual the court has adopted to assist pro se litigants in presenting their case. This manual, and other free information, is available online at:


<http://cand.uscourts.gov/proselitigants>.

If Shaw fails to comply with this order, or any of the applicable procedural rules, or fails to file the opposition or statement of non-opposition by November 4, 2015, the Court may grant the pending motion to dismiss as unopposed or otherwise dismiss this action for failure to prosecute. *See* Fed. R. Civ. P. 41(b) (“If the plaintiff fails to prosecute or to comply with these rules or a court order, a defendant may move to dismiss the action or any claim against it.”)

If Shaw files a timely response to the motion to dismiss, defendants may file a reply seven calendar days after that.

**IT IS SO ORDERED.**

Dated: October 20, 2015

  
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JAMES DONATO  
United States District Judge