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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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7   MODESTA JACINTO,   Case No. 16-cv-02815-MMC

8   Plaintiff,

9   v.   **ORDER TO SHOW CAUSE;
                                              VACATING HEARING ON MOTION TO
                                              DISMISS**
10   DITECH FINANCIAL LLC; WELLS
     FARGO BANK, N.A.; MORTGAGE
11   ELECTRONIC REGISTRATION
     SYSTEMS, INC.; NATIONAL DEFAULT
12   SERVICING CORPORATION;

13   Defendants.

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15   Before the Court is the "Motion to Dismiss First Amended Complaint," filed July 12,

16   2016, by defendants Ditech Financial LLC and Mortgage Electronic Registration

17   Systems, Inc.,[1] and noticed for hearing on September 2, 2016.

18   On August 10, 2016, plaintiff Modesta Jacinto filed opposition thereto. As

19   defendants point out in their reply, however, plaintiff's opposition is untimely, having been

20   filed almost a full month after the filing date of defendants' motion. See Civil L.R. 7-3(a)

21   (providing "opposition must be filed and served not more than 14 days after the motion

22   was filed").

23   Accordingly, the hearing on defendants' Motion to Dismiss is hereby VACATED

24   and plaintiff is hereby Ordered to Show Cause, in writing and no later than September 7,
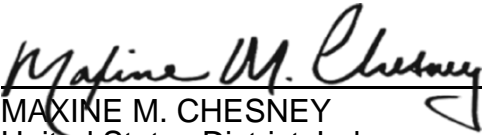
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26   [1] On April 28, 2016, defendant National Default Servicing Corporation filed a
     Declaration of Non-Monetary Status, by which it agreed to be bound by any non-
27   monetary order or judgment, and, on May 26, 2016, pursuant to stipulation, defendant
     Wells Fargo Bank, N.A. was dismissed from the action.
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1 2016, why the opposition should not be stricken.

2 **IT IS SO ORDERED.**

3 Dated: August 24, 2016

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MAXINE M. CHESNEY
United States District Judge