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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GERALD NUNN; JUDITH L NUNN,

Plaintiffs,

v.

STATE OF CALIFORNIA; JPMORGAN  
CHASE BANK, NATIONAL  
ASSOCIATION,

Defendants.

Case No. [18-cv-03862-WHO](#)

**ORDER TO SHOW CAUSE RE:  
DISMISSAL FOR FAILURE TO  
PROSECUTE**

Re: Dkt. Nos. 31, 35

Defendant JPMorgan Chase Bank, N.A. filed a motion to dismiss plaintiffs' complaint. Dkt. No. 31. That matter is set to be heard on November 7, 2018. Plaintiffs' opposition or response to that motion **was due on September 10, 2018**.

Defendant State of California also filed a motion to dismiss plaintiffs' complaint. Dkt. No. 35. That matter is also set to be heard on November 7, 2018. Plaintiffs' opposition or response to that motion **was due on September 14, 2018**. As of the date of this Order, plaintiffs have not filed an opposition or otherwise responded to either defendants' motions to dismiss.

Plaintiffs are **ORDERED TO SHOW CAUSE** why this case should not be dismissed for failure to prosecute **by filing an opposition or other response to the motions to dismiss by October 17, 2018**. If plaintiffs do not file such responses by that date, this case may be dismissed for failure to prosecute. *See* Fed. R. Civ. Proc. 41(b); *Henderson v. Duncan*, 779 F.2d 1421, 1423 (9th Cir. 1986) (listing factors relevant to whether to dismiss for lack of prosecution).

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If plaintiffs file their opposition by October 17, 2018, both Defendant JPMorgan Chase Bank, N.A and Defendant State of California may file a reply by October 24, 2018. The hearing on the motion to dismiss remains set for **November 7, 2018** at 2:00 p.m. in Courtroom 2, 17th Floor, San Francisco, California.

**IT IS SO ORDERED.**

Dated: October 4, 2018

  
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William H. Orrick  
United States District Judge