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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

MARCIANO SUBIDA, et al.,

No. C 08-05420 SBA

Plaintiffs,

ORDER

v.

[Docket No. 14]

LONGBEACH MORTGAGE
COMPANY, *et al.*,

Defendants.

10 On December 2, 2008, plaintiffs filed their complaint in this matter. *See* Docket No. 1. On
11 January 6, 2009, plaintiffs' counsel filed a notice of unavailability, indicating her unavailability
12 through January 31, 2009. *See* Docket No. 6.¹ On January 20, 2009, defendant Arrindel Real Estate
13 Appraisal Services ("AREAS") filed a Motion to Dismiss Plaintiffs' Complaint, seeking a dismissal
14 or a more definite statement. *See* Docket No. 14. On January 22, 2009, AREAS filed a Meet and
15 Confer Declaration which stated *only* that AREAS' counsel had contacted plaintiffs' counsel "in
16 order to meet and confer with regards to having the hearing date for the motion. Moving party
17 proposed a hearing date Plaintiffs' counsel said that the proposed date and time were
18 acceptable." *See* Docket No. 16 ¶¶ 2-3.

19 Paragraph 5 of this Court's Standing Order for Civil Cases expressly states, "**Meet and**
20 **Confer Requirement**; All parties are required to meet and confer before filing any motion with this
21 court, and *to certify* that they have complied with this requirement." (Emphasis added.) This
22 requirement is essential to the parties' representation that there is a dispute which requires the
23 Court's resolution. Until such time as the parties have met and conferred to discuss the issues, it is
24 premature to conclude that there exists a dispute necessitating the Court's intervention. This
25 requirement conserves the limited time and resources of the Court and the parties, by obviating the

27 ¹ To date, plaintiffs' counsel has failed to e-file either the complaint or this notice, despite
28 notice from the Clerk of the Court to do so. *See* Docket No. 13. Plaintiff's counsel is ORDERED to
comply with this notice.

1 filing of unnecessary motions. Because the parties have not met and conferred *on any substantive*
2 *issues*, and because it is still early in this matter's proceedings, the Court DENIES the motions
3 without prejudice, as premature.² The parties shall meet and confer *in person or by telephone*, and if
4 AREAS wishes to re-file its motion, it may do so.

5 Accordingly, the Court DENIES without prejudice AREAS' Motion to Dismiss Plaintiffs'
6 Complaint [Docket No. 14].

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8 IT IS SO ORDERED.

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January 26, 2009

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Saundra Brown Armstrong
United States District Judge

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² This is even more so the case, as there are six named defendants in this matter, only one of which has appeared, and thus no thought has been given whether to file joint pleadings to conserve the parties' and the Court's resources.