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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

<p>FREDERICK CASISSA, et al., Plaintiffs, v. FIRST REPUBLIC BANK, also known as, MERRILL LYNCH BANK & TRUST COMPANY, FSB Defendant.</p>	<p>No. C 09-04129 CW ORDER REGARDING PLAINTIFFS' OPPOSITION TO DEFENDANT'S MOTIONS TO DISMISS</p>
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On September 30, 2009, Defendant Merrill Lynch Bank & Trust Company, FSB filed a motion to dismiss Plaintiff Frederick Casissa's complaint (Docket No. 10). On October 14, 2009, pursuant to stipulation, the Court related and consolidated Case No. 09-4130 with this case (Docket No. 13). In that case, Defendant also had filed a motion to dismiss for failure to state a claim.

On October 23, 2009, the Court ordered Plaintiffs to file their opposition, contained in one brief, to Defendant's motions by November 12, 2009 (Docket No. 14). Plaintiffs have not done so.

Accordingly, notice is hereby given that the Court, on its own

1 motion, shall take Defendant's motions under submission on the
2 papers. The case management conference and hearing on the motions,
3 both scheduled for December 3, 2009, are vacated. Plaintiffs'
4 opposition to the motions will be due November 25, 2009, and any
5 reply by Defendant will be due December 2, 2009. **Failure by**
6 **Plaintiffs to file their written opposition to the motions by**
7 **November 25, 2009 will result in dismissal of this case for failure**
8 **to prosecute.**

9 IT IS SO ORDERED.

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11 Dated: November 18, 2009



12 CLAUDIA WILKEN
13 United States District Judge
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