

1 IN THE UNITED STATES DISTRICT COURT  
2  
3 FOR THE NORTHERN DISTRICT OF CALIFORNIA

4 MARY C. RICHARDS and GREGORY DAVID  
5 FRANCESCO GIORGI,

6 Plaintiffs,

7 v.

8 BANK OF AMERICA, N.A.; CAL WESTERN  
9 RECONVEYANCE CORPORATION; and  
10 SUPERIOR COURT OF THE STATE OF  
11 CALIFORNIA IN AND FOR MARIN COUNTY,

12 Defendants.

No. C 10-1163 CW

ORDER CONCERNING  
PLAINTIFFS'  
OPPOSITION TO  
DEFENDANT CAL  
WESTERN RECONVEYANCE  
CORPORATION'S MOTION  
TO DISMISS

13 On May 12, 2010, Defendant Cal Western Reconveyance  
14 Corporation filed a motion to dismiss Plaintiffs Mary C. Richards  
15 and Gregory David Francesco Giorgi's complaint for failure to state  
16 a claim. The motion was set for hearing on June 24, 2010 at 2:00  
17 p.m. Plaintiffs' opposition was due June 3.

18 Plaintiffs have not responded to Defendant's motion.  
19 Plaintiffs shall file their opposition by June 10, 2010 and any  
20 reply shall be due June 17, 2010. Defendant's motion shall be  
21 taken under submission on the papers. The Court VACATES the  
22 hearing scheduled for June 24, 2010.

23 **Failure by Plaintiffs to file an opposition to the motion by**  
24 **June 10 will result in the dismissal of their claims against**  
25 **Defendant Cal Western for failure to prosecute.**

26 IT IS SO ORDERED.

27 Dated: June 4, 2010



28 CLAUDIA WILKEN  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

MARY C. RICHARDS and GREGORY  
DAVID FRANCESCO GIORGI,

Plaintiffs,

v.

BANK OF AMERICA N.A., et al.,

Defendants.

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Case Number: CV10-01163 CW

**CERTIFICATE OF SERVICE**

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on June 4, 2010, I SERVED a true and correct copy of the attached, by placing said copy in a postage paid envelope addressed to the persons hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy into an inter-office delivery receptacle located in the Clerk's office.

GREGORY DAVID FRANCESCO GIORGI  
126 Stadium Avenue  
Mill Valley, CA 94941

Mary C. Richards  
126 Stadium Avenue  
Mill Valley, CA 94941

Dated: June 4, 2010

Richard W. Wieking, Clerk  
By: MP, Deputy Clerk