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

FAYE MYRETTE-CROSLY,

Plaintiff,

v.

CLARION MORTGAGE CAPITAL, INC., et
al.,

Defendants.

No. C 10-03523 CW

ORDER ON
PLAINTIFF'S
FAILURE TO
RESPOND TO FDIC'S
MOTION FOR
SUBSTITUTION AND
REQUEST FOR STAY

On October 12, 2010, the Federal Deposit Insurance Corporation (FDIC), as Receiver for Defendant IndyMac Federal Bank, F.S.B., moved to substitute itself for IndyMac in this action. In addition to the substitution, the FDIC asked the Court to stay this case for ninety days, pursuant to 12 U.S.C. § 1821(d)(12)(A). The FDIC made a separate motion, requesting a refund of its filing fee.

The motion for substitution and request for a stay was noticed for hearing on November 18, 2010, which required Plaintiff Faye Myrette-Crosley to file an opposition or a statement of non-opposition by October 28, 2010. Civil L.R. 7-3(a)-(b). Plaintiff filed neither.

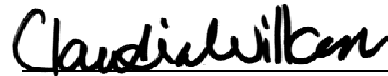
Within three days of the date of this Order, Plaintiff shall file an opposition or a statement of non-opposition to the FDIC's motion for substitution and request for a stay. If she fails to do

1 so, any claims she has against IndyMac and, by extension, the FDIC
2 will be dismissed for failure to prosecute. Any reply, if
3 necessary, shall be due seven days after Plaintiff files an
4 opposition.

5 The FDIC's requests for substitution, stay and refund of
6 filing fees, all set for hearing on November 18, 2010, will be
7 taken under submission on the papers. The initial case management
8 conference, set for November 23, 2010, is VACATED, to be re-set if
9 necessary.

10 IT IS SO ORDERED.

11
12 Dated: 11/2/2010



CLAUDIA WILKEN
United States District Judge