

United States District Court
For the Northern District of California

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

DEBBIE A. ROSE,
Plaintiff,
v.
BROOKS AMERICA MORTGAGE CORP., et
al.,
Defendants.

No. C 10-04370 CW
ORDER GRANTING
DEFENDANT
HOMECOMINGS
FINANCIAL'S
MOTION TO DISMISS
(Docket No. 29)

On November 4, 2010, Defendant Homecomings Financial, LLC, moved to dismiss Plaintiff Debbie Rose's complaint. On December 10, 2010, the Court warned Plaintiff that her case would be dismissed for failure to prosecute if she did not file an opposition to Homecomings Financial's motion by December 17, 2010. On December 14, 2010, Plaintiff filed a statement of non-opposition with regard to the motion.

Accordingly, Homecomings Financial's motion to dismiss is GRANTED. (Docket No. 29.) Because neither the motion nor Plaintiff's statement of non-opposition provides that dismissal should be with prejudice, Plaintiff's claims against Homecomings Financial are dismissed without prejudice.

Brooks America Mortgage Corporation and Quality Loan Service Corporation are the remaining Defendants in this action. Brooks America has not appeared in this action, even though proof of service has been filed. Quality Loan has filed a "Declaration of Nonmonetary Status," but has not moved to dismiss or answered

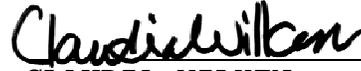
1 Plaintiff's complaint.

2 A case management conference is scheduled for January 11, 2011
3 at 2:00 p.m.

4 IT IS SO ORDERED.

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6 Dated: 12/16/2010



CLAUDIA WILKEN
United States District Judge

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