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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARILOU SAMSON,

Plaintiff,

No. C 10-4827 PJH

v.

**ORDER**

ONE WEST BANK, et al.,

Defendants.

\_\_\_\_\_ /

On September 9, 2011, Aurora Loan Services LLC (“Aurora”), the sole defendant remaining in this case, filed a motion to dismiss the second amended complaint. The motion was noticed for hearing on October 19, 2011. The court advised Aurora of its unavailability on that date, and on September 9, 2011, Aurora filed a notice of new hearing date, noticing the hearing for November 9, 2011. Aurora attached a certificate of service, showing service of the notice on plaintiff, also on September 9, 2011.

Plaintiff’s opposition to the motion was due on September 23, 2011, pursuant to Civil Local Rule 7-3. However, on that date, in lieu of an opposition to the motion to dismiss, plaintiff filed a motion for judgment as a matter of law. (The court has not reviewed plaintiff’s motion, and it is possible that some of plaintiff’s arguments can be construed as an opposition to the motion to dismiss.)

On September 27, 2011, plaintiff filed an “amended” motion for judgment as a matter of law, with supporting papers; a motion for supplemental relief to add additional claims to the complaint; and a “motion to correct the record.” All three of these motions were noticed for hearing on October 19, 2011.

To repeat, the court is not available on October 19, 2011. (Even were the court

**United States District Court**  
For the Northern District of California

1 available on that date, plaintiffs' motions were not noticed in accordance with Civil Local  
2 Rule 7.) The court will hear plaintiff's recently-filed motions at the time that it hears  
3 Aurora's motion to dismiss, which is presently scheduled to be heard on November 9,  
4 2011. If it becomes necessary to continue the hearing date, the court will advise the  
5 parties in writing.

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**IT IS SO ORDERED.**

Dated: September 28, 2011



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PHYLLIS J. HAMILTON  
United States District Judge