

1  
2  
3 UNITED STATES DISTRICT COURT  
4 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
5 OAKLAND DIVISION

6 MELVIN WASHINGTON, et al.,

7 Plaintiffs,

8 vs.

9 NATIONAL CITY MORTGAGE COMPANY,  
10 et al.,

11 Defendants.

Case No: C 10-5042 SBA

**ORDER CONTINUING HEARING**

12  
13 IT IS HEREBY ORDERED THAT the hearing on Defendants Sonoca One, LLC and FCI  
14 Lenders Services, Inc.'s motion to dismiss (Dkt. 12) is CONTINUED from March 1, 2011 to  
15 **March 15, 2011 at 1:00 p.m.** Plaintiffs shall file their response to the aforementioned motion, as  
16 well as to Kondaur Capital Corporation's motion to dismiss (Dkt. 15), by no later than February  
17 22, 2011, and Defendants shall file their reply briefs by no later than March 1, 2011. Plaintiffs are  
18 warned that the failure to timely file responses to the pending motions to dismiss will be deemed to  
19 be a consent to the granting of said motions, which will result in the dismissal of the action. Fed.  
20 R. Civ. P. 41(b); Ferdik v. Bonzelet, 963 F.2d 1258, 1260 (9th Cir. 1992) ("Pursuant to Federal  
21 Rule of Civil Procedure 41(b), the district court may dismiss an action for failure to comply with  
22 any order of the court."). Pursuant to Civil Local Rule 7-1(b), the Court may resolve the motions  
23 without oral argument. The parties are advised the check the Court's website to determine whether  
24 an appearance is necessary.

25 IT IS SO ORDERED.

26 Dated: February 8, 2011

27   
28 SAUNDRA BROWN ARMSTRONG  
United States District Judge