

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

GRACE L. CAPITULO AND NORMAN P.  
CAPITULO,

Plaintiffs,

v.

WACHOVIA MORTGAGE, FSB; GOLDEN WEST  
SAVINGS ASSOCIATION SERVICE, CO.; and  
DOES 1-250, inclusive,

Defendants.

No. C 10-05226 CW

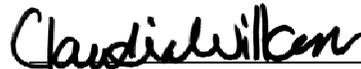
ORDER REGARDING  
PLAINTIFFS'  
OPPOSITION TO  
DEFENDANTS'  
MOTION TO DISMISS

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On December 10, 2010, Defendants Golden West Savings Association Service Co. and Wachovia Mortgage, formerly known as Wachovia Mortgage, FSB, filed an amended motion to dismiss Plaintiffs' claims. The hearing on the motion was set for January 20, 2011. Plaintiffs' opposition was due on December 30, 2010. After Plaintiffs, who are represented by counsel, failed to file any opposition, the Court vacated the hearing date and ordered Plaintiffs to respond by January 14, 2011. Docket No. 16. At that time, the Court warned Plaintiffs that failure to submit a response could result in dismissal of their action for failure to prosecute. Plaintiff did not comply with the Court's order. Thus, the Court dismisses Plaintiff's action for failure to prosecute.

IT IS SO ORDERED.

Dated: 1/19/2011



CLAUDIA WILKEN  
United States District Judge