

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

4 KABITA CHOUDHURI,

5 Plaintiff,

6 vs.

7 WELLS FARGO BANK, N.A.; CIT GROUP,
8 INC.; FIRST AMERICAN LOAN STAR;
9 DEUTSCHE BANK USA; TODD BELL
AND MEG DEGROOTE,

10 Defendants.

Case No: C 11-00518 SBA

**ORDER DENYING PLAINTIFF'S
REQUEST FOR AN EXTENSION
OF TIME**

Dkt. 67

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12 On July 19, 2011, the Court issued an order denying Defendants' respective motions
13 to dismiss based on their failure to meet and confer with Plaintiff before filing said motions.
14 The Court granted Defendants leave to refile their motions by no later than August 9, 2011,
15 and ordered Plaintiff to file her responses by August 23, 2011. The briefing schedule is
16 consistent with the current version of Civil Local Rule 7-3(a), which provides that, "Any
17 opposition to a motion must be served and filed not more than 14 days after the motion is
18 served and filed."

19 On July 26, 2011, Plaintiff filed an Objection and Request for Extension of Time to
20 Respond as Stated in Court's Order of July 19, 2011. Dkt. 67. Plaintiff contends that the
21 Local Rules permit her to file her responses twenty-days prior to the hearing date, which is
22 now October 25, 2011. To the extent that Plaintiff is seeking reconsideration of a prior
23 Court order, she is required to file a motion for leave to file a motion for reconsideration.
24 Civ. L.R. 7-9. Plaintiff failed to comply with this requirement. That notwithstanding,
25 Plaintiff's argument is meritless. Plaintiff cites the former version of Local Rule 7-3, which
26 has since been superseded. In addition, Plaintiff's request is premature. Given that
27 Plaintiff has not yet received Defendants' motions, she is not in a position to know whether
28 she, in fact, will require additional time to respond to them.

1 The Court also notes that Plaintiff filed the instant request without first meeting and
2 conferring with Defendants, and certifying that she has complied with this requirement,
3 prior to submitting the instant request. In its July 19, 2011 order, the Court emphasized that
4 it will not consider *any* requests where the parties have not first met and conferred. The
5 Court will not countenance Plaintiff's disregard of the orders of this Court. Plaintiff is
6 warned that the failure to comply with the orders and rules of this Court may be considered
7 grounds for dismissal of the action, with prejudice. See Ghazali v. Moran, 46 F.3d 52, 53-
8 54 (9th Cir. 1995); Ferdik v. Bonzelet, 963 F.2d 1258, 1260-61 (9th Cir. 1992).
9 Accordingly,


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IT IS HEREBY ORDERED THAT Plaintiff's request for an extension of time to respond to Defendants' motions is DENIED, without prejudice.

IT IS SO ORDERED.

Dated: July 27, 2011


SAUNDRA BROWN ARMSTRONG
United States District Judge

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

CHOUDHURI et al,
Plaintiff,

v.

WELLS FARGO BANK N.A. et al,
Defendant.

_____ /

Case Number: CV11-00518 SBA

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on July 28, 2011, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Kabita Choudhuri
331 Richardson Way
Mill Valley, CA 94941

Dated: July 28, 2011

Richard W. Wieking, Clerk

By: LISA R CLARK, Deputy Clerk