

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOANN R. OWENS AND LARRY M. OWENS,

Plaintiffs,

vs.

BANK OF AMERICA, N.A., ET AL.,

Defendants.

Case No.: 11-cv-4580-YGR

**ORDER TO SHOW CAUSE RE: DISMISSAL FOR FAILURE TO PROSECUTE AND RESETTING HEARING ON MOTIONS TO DISMISS**

**PLAINTIFFS JOANN R. OWENS AND LARRY M. OWENS AND THEIR COUNSEL OF RECORD ARE HEREBY ORDERED ORDER TO SHOW CAUSE** why their claims should not be dismissed for failure to prosecute, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.

On June 5, 2012, Defendant J.P. Morgan Mortgage Acquisition Corporation filed a Motion to Dismiss Plaintiffs' First Amended Complaint. (Dkt. No. 72.) On June 6, 2012, Defendant Bank of America, N.A. filed a Motion to Dismiss Plaintiffs' First Amended Complaint. (Dkt. No. 73.) Pursuant to stipulation, the parties continued the hearing and briefing deadlines on these motions twice, the most recent order requiring an opposition to be filed no later than September 7, 2012, and setting the date for hearing on October 2, 2012. (Dkt No. 83.)

To date, Plaintiffs have failed to oppose the Motions. Plaintiffs shall file an opposition to the Motion to Dismiss no later than September 25, 2012. Failure to file an opposition by that date will result in dismissal of the action against these Defendants for failure to prosecute. Any reply to an opposition must be served and filed not more than 7 days after the opposition is served and filed.

The hearing date of October 2, 2012, is hereby **VACATED**. The Court re-sets the hearing for October 16, 2012, at 2:00 p.m.

**IT IS SO ORDERED.**

**Date: September 18, 2012**

  
YVONNE GONZALEZ ROGERS  
UNITED STATES DISTRICT COURT JUDGE

United States District Court  
Northern District of California

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