

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

LIVIA CRANE,

Plaintiff,

v.

WELLS FARGO BANK, N.A. and DOES
1-10, inclusive,

Defendants.

No. C 11-05294 CW

ORDER REGARDING
PLAINTIFF'S
OPPOSITION TO
DEFENDANT'S MOTION
TO DISMISS AND
MOTION TO STRIKE,
AND DENYING
PLAINTIFF'S MOTION
TO REMAND (Docket
No. 12)

On December 14, 2011, Defendant Wells Fargo filed an amended motion to dismiss all eight claims in Plaintiff's complaint, as well as a motion to strike portions of the complaint. Docket Nos. 23 and 25. On December 20, 2011, the Court ordered Plaintiff to respond to both motions in a consolidated brief not to exceed twenty-five pages, and reset the case management conference for January 26, 2012, the same date as the hearing for both motions. Pursuant to this Court's Civil Local Rule 7-3(a), Plaintiff's response to the motions was due on December 28, 2011. However, thus far, Plaintiff, who is represented by counsel, has failed to oppose the motions. Plaintiff shall submit a response within


1 seven days from the date of this Order, or the action will be
2 dismissed for failure to prosecute.

3 In addition, Plaintiff has moved to remand this action to
4 Santa Cruz County Superior Court. Docket No. 12. However, on
5 December 16, 2011, the parties submitted a joint case management
6 statement, in which Plaintiff appeared to concede that the
7 "citizenship of the parties is entirely diverse." Joint Case
8 Management Statement at 1:25. The Court's December 20, 2012 order
9 brought this apparent concession to Plaintiff's attention and
10 Plaintiff has not submitted any further response. Accordingly,
11 Plaintiff's motion to remand is DENIED.

12 The hearing and case management conference set for January
13 26, 2012 at 2:00 pm are VACATED, and will be reset if necessary.

14 IT IS SO ORDERED.

15
16 Dated: 1/23/2012



CLAUDIA WILKEN
United States District Judge