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E-FILED 1/29/2009

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NOT FOR CITATION

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IN THE UNITED STATES DISTRICT COURT

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FOR THE NORTHERN DISTRICT OF CALIFORNIA

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SAN JOSE DIVISION

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CHRISTINA SANCHEZ,

No. C07-04174 HRL

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Plaintiff,

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v.

**ORDER DENYING PLAINTIFF'S
"MOTION TO SET ASIDE DISMISSAL
ORDER"**

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SUZETTE Z. TORRES, FIRST AMERICAN
TITLE, JANE E. BEDNAR, NAM NGUYEN,
HOMECOMINGS FINANCIAL NETWORK,
CITIMORTGAGE, INC., JEFFERY H.

[Re: Docket No. 53]

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LOWENTHAL, BRYAN M. KRAFT,
ANGELO PAUL RUSSO, CITY OF SALINAS,
ADAM M. GREELY, ANDY PHAM,
MONTEREY COUNTY, EXECUTIVE
TRUSTEE SERVICES, LOANCITY.COM,
JOHN H. MITCHELL,

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Defendants.

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On December 18, 2008, this court entered an order dismissing certain defendants without leave to amend and dismissing certain others without prejudice. Plaintiff now moves to "set aside" that order. The court construes her motion as one seeking leave to file a motion for reconsideration under Civil Local Rule 7-9.

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Upon consideration of the papers submitted, this court finds that no further briefing or hearing is necessary. See Civ. L.R. 7-9(d). Plaintiff has not presented any material facts or legal issues which would warrant the filing of a motion for reconsideration. See Civ. L.R.

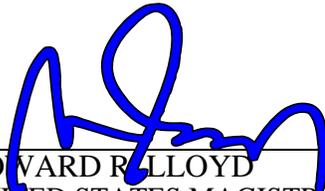
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1 7-9(b). Sanchez contends that she was denied an opportunity to oppose the underlying motions
2 to dismiss. To the contrary, and as reflected in the December 18, 2008 order, the motion
3 hearings were continued to accommodate plaintiff. She failed to timely file her opposition
4 papers, and then failed to appear for oral argument. The court nonetheless accepted and
5 considered all of her belated filings.¹ Additionally, on the record presented, it is not apparent
6 that defendants were properly served (or served at all) as plaintiff claims. Plaintiff's motion is
7 denied.

8 SO ORDERED.

9 Dated: January 29, 2009


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11 HOWARD R. LLOYD
12 UNITED STATES MAGISTRATE JUDGE

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28 ¹ Late on the eve of the September 30, 2008 motion hearing, plaintiff faxed a
letter to the Clerk's Office in which she indicated that she would likely not appear for oral
argument and requested that the court "consider my oppositions in writing in place of my
appearance." (Docket #50).

1 **5:07-cv-4174 Notice electronically mailed to:**

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9 **Counsel are responsible for distributing copies of this document to co-counsel who have**
10 **not registered for e-filing under the court's CM/ECF program.**

11 **5:07-cv-4174 Notice mailed to:**

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