

\*\*E-Filed 10/5/2009\*\*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

CHERYL PATITO,

Plaintiff,

v.

DOWNEY SAVINGS AND LOAN  
ASSOCIATION, F.A.; MTC FINANCIAL, INC.,  
d/b/a TRUSTEE CORPS.; CENTRAL  
MORTGAGE COMPANY; MORTGAGE  
ELECTRONIC REGISTRATION SYSTEMS, INC.;  
and DOES 1-30, inclusive,

Defendants.

Case Number 5:09-CV-03574 JF (RS)

**NOTICE OF CLERICAL ERROR;  
REQUEST FOR RESPONSE FROM  
PLAINTIFF**

Re: Docket No. 16

Plaintiff Cheryl Patito, proceeding *pro se*, moved for “Withdrawal of Case from the Federal Court without prejudice pursuant to Rule 10.7” on September 30, 2009. It appears that Plaintiff intended to file a motion for voluntary dismissal pursuant to Federal Rule of Civil Procedure Rule 41(a) and the Court treated Plaintiff’s motion as such. As a result of a clerical error, the Court was not aware that Defendants Central Mortgage Company and Mortgage Electronic Registration Systems (collectively, “Defendants”) previously had filed a motion for summary judgment or that Defendants opposed Plaintiff’s motion to the extent that the motion sought dismissal of the instant case without prejudice. Because Defendants in fact do oppose

1 Plaintiff's motion for voluntary dismissal, the Court requests Plaintiff's response to that  
2 opposition. Plaintiff shall file her response, setting forth her arguments and authority as to why  
3 the order of dismissal should not be set aside, on or before October 13, 2009.

4 **IT IS SO ORDERED.**

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6 DATED: 10/5/09

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8 JEREMY FOGEL  
9 United States District Judge  
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1 This Order was served on the following persons:

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