

E-Filed 10/14/2009

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)

**ORDER SETTING ASIDE
DISMISSAL AND NOTICE TO
SCHEDULE HEARING**

Re: Docket No. 17

On October 5, 2009, the Court issued a Notice of Clerical Error recognizing that it had granted Plaintiff's request for voluntary dismissal without prejudice at a time when Defendants' earlier filed motion for summary judgment was pending. In that Notice, the Court indicated that the dismissal would be set aside unless Plaintiff filed a response on or before October 13, 2009. Because Plaintiff did not file a timely response the dismissal will be set aside.

Counsel for Defendants may obtain a motion hearing date from the Court's Administrative Law Clerk, Christian Delaney, by calling 408.535.5426.

1 **IT IS SO ORDERED.**

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3 DATED: 10/14/09

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5 JEREMY FOGEL
6 United States District Judge__

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1 This Order was served on the following persons:

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