

E-Filed 2/3/2010

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

CHERYL J. PATITO,

Plaintiff

v.

DOWNEY SAVINGS AND LOAN ASSOCIATION, F.A.; DSL SERVICE COMPANY; CENTRAL MORTGAGE COMPANY dba CENTRAL MORTGAGE LOAN SERVICING COMPANY; MTC FINANCIAL INC. dba TRUSTEE CORPS; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC.; and DOES 1 TO 250, inclusive,

Defendants

Case Number C 09-03574 JF (HRL)

ORDER DENYING MOTION FOR RECONSIDERATION

[Re: Document No. 30]

On January 15, 2010, the Court granted an unopposed motion for summary judgment brought by Defendants Central Mortgage Company (“CMC”) and Mortgage Electronic Registration Systems, Inc. (“MERS”). On January 20, 2010, the Court granted with leave to amend a motion to dismiss brought by Defendant MTC Financial’s (“MTC”).¹ Plaintiff now seeks reconsideration of the “order dismissing the case against Defendant MERS and Downey Savings.”

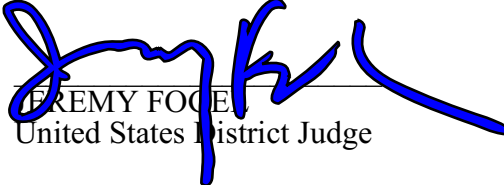
¹ MTC Financial’s motion to dismiss remained unopposed until the evening before the hearing on the motion when Plaintiff filed opposition papers with no explanation for her failure to file on time.

1 Plaintiff failed to seek leave of court to file the instant motion pursuant to Civil Local
2 Rule 7-9(a). Civil Local Rule 7-9 governs motions for reconsideration and provides that "[n]o
3 party may notice a motion for reconsideration without first obtaining leave of Court to file the
4 motion." Civil L.R. 7-9(a). Nonetheless, because Plaintiff is proceeding pro se the Court has
5 reviewed the motion for reconsideration and concludes that it is without merit.

6 First, it is not entirely clear which of the Court's orders Plaintiff addresses in her motion
7 for reconsideration. Plaintiff states that she moves for reconsideration of the Court's order dated
8 January 14, 2010. Neither of the Court's most recent orders is dated January 14, 2010. She refers
9 to an order dismissing the case against defendant MERS and Downey Savings, but the Court's
10 recent order concerning MERS granted summary judgment. Second, Plaintiff claims "that the
11 proposed order she received was not signed by any judge of the District court of California as
12 having reviewed her Appeal and Appellant find [sic] it unusual that an order is not signed." MFR
13 at 2. The Court's orders granting summary judgment to MERS and CMC and dismissal to MTC
14 both contained the signature of the undersigned judge and were mailed to Plaintiff at her home
15 address. Finally, the Court considered the material facts and legal arguments presented by the
16 parties before entering its order granting summary judgment. Plaintiff fails to identify any new
17 material facts or changes in the law occurring after the orders were issued. Accordingly, the
18 motion for reconsideration is DENIED.

19 **IT IS SO ORDERED.**

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21 Dated: February 3, 2010

22 
23 JEREMY FOCHE
24 United States District Judge
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1 This Order has been served upon the following persons:

2 Cheryl J Patito
1425 Little Orchard Street
3 San Jose, CA 95110
PRO SE

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