

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

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MARIANO AYALA GARCIA,
Plaintiff,
v.
OCWEN LOAN SERVICING, LLC,
Defendant

Case No.: C 10-0290 PVT
ORDER TO SHOW CAUSE;
ORDER SETTING DEADLINE FOR
DEFENDANT TO FILE ANSWER; AND
ORDER CONTINUING CASE
MANAGEMENT CONFERENCE

On May 10, 2010, the court issued an order granting in part and denying in part Defendant’s motion to dismiss, and granting Plaintiff leave to file an amended complaint. On June 14, 2010, the court granted Plaintiff’s application for an extension of time to file an amended complaint.¹ The court set July 23, 2010 as the deadline for Plaintiff to file any amended complaint. No amended complaint has been filed. A Case Management Conference was held on August 24, 2010. Plaintiff failed to appear for the Case Management Conference. Based on the foregoing, and the file herein,

IT IS HEREBY ORDERED that, no later than September 14, 2010, Plaintiff shall file a

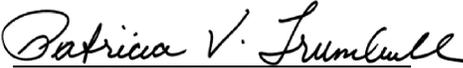
¹ The court notes that in his application for an extension of time, Plaintiff indicated he was in the process of retaining David E. Pipal as counsel. It is not clear from Plaintiff’s application whether Mr. Pipal had actually agreed to represent him, and Mr. Pipal has not made any appearance in this action to date. However, out of an abundance of caution, the court is serving a courtesy copy of this order on Mr. Pipal. Unless and until Mr. Pipal makes an appearance in this matter, the court will not serve any further courtesy copies of orders on him.

1 declaration showing cause why he failed to appear for the Case Management Conference. Failure to
2 show an adequate reason for the failure to appear may result in an order to show cause why the case
3 should not be dismissed for failure to prosecute.

4 IT IS FURTHER ORDERED that Defendant shall file its answer to Plaintiff's original
5 complaint no later than September 14, 2010. While Plaintiff has not filed any amended complaint,
6 two causes of action remain which survived Defendant's motion to dismiss. In its answer,
7 Defendant need not respond to the allegations of the first cause of action, which was dismissed by
8 this court's prior order (*see* docket no. 19).

9 IT IS FURTHER ORDERED that the Case Management Conference is CONTINUED to
10 September 28, 2010. The parties shall file their Case Management Conference Statements no later
11 than September 21, 2010.

12 Dated: 8/24/10

13 
14 PATRICIA V. TRUMBULL
15 United States Magistrate Judge
16
17
18
19
20
21
22
23
24
25
26
27
28

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

Defense counsel automatically notified of this filing via the court's Electronic Case Filing system.

copies mailed on 8/25/10 to:

Mariano Ayala Garcia
980 El Toro Drive
Hollister, CA 95023

David E. Pipal, Esq.
Paxton & O'Brien Law Group, LLP
350 Fifth St.
Hollister, CA 95023

/s/ Donna Kirchner
DONNA KIRCHNER
Judicial Law Clerk