

1 Settlement Procedures Act, 12 U.S.C. §§ 2601 *et seq.*, and the Fair Debt Collection Practices
2 Act, 15 U.S.C. §§ 1692 *et seq.* He also seeks a judicial declaration of the rights of the parties and
3 to rescind the loan. Defendants Countrywide Home Loans, Inc., Bank of America, N.A., and
4 Mortgage Electronic Registration Systems, Inc. (collectively, “Defendants”) move to dismiss the
5 complaint. The Court concludes that this motion is appropriate for determination without oral
6 argument and will vacate the hearing date of December 10, 2010. *See* Civ. L.R. 7-1(b).

7 Under this Court’s Civil Local Rules, Plaintiff’s opposition was due at least twenty-one
8 days before the noticed hearing date of December 10, 2010 – here, not later than November 19,
9 2010. *See* Civ. L.R. 7-3(a). As of the date of this order, Plaintiff has not filed opposition
10 papers.

11 Because the instant motion appears well-taken and is unopposed, the motion to dismiss
12 will be granted with leave to amend. Any amended pleading shall be filed within twenty (20)
13 days after the date of this order.

14 **ORDER**

15 For good cause shown,

- 16 (1) the motion to dismiss is GRANTED, WITH LEAVE TO AMEND;
17 (2) any amended pleading shall be filed within twenty (20) days after the date of this
18 order;
19 (3) the hearing date of December 10, 2010 is VACATED; and
20 (4) the Case Management Conference set for December 10, 2010 is CONTINUED to
21 January 21, 2010 at 10:30 a.m.

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23 DATED: 12/8/2010

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25 JEREMY FOGEL
26 United States District Judge
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