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3 **E-filed 4/12/2011**
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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
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12 ELEANOR LICUP and DANTE LICUP,

13 Plaintiffs,

14 v.

15 CITI MORTGAGE, INC.; ALLIANCE TITLE
16 COMPANY; ALMADEN BLOSSOM HILL
17 REALTY, INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,

18 Defendants.
19

Case Number 5:10-CV-04574 JF (PSG)

**ORDER¹ GRANTING MOTION TO
DISMISS WITH LEAVE TO
AMEND**

[Re: Docket No. 11]

20 Plaintiffs allege that Defendants have violated the Truth in Lending Act, the Real Estate
21 Settlement Procedures Act, and related state laws. Defendant Mortgage Electronic Registration
22 Systems, Inc. moves to dismiss the complaint for failure to state a claim upon which relief may
23 be granted. The Court concludes that the motion is appropriate for determination without oral
24 argument and will vacate the hearing scheduled for April 15, 2011. *See* Civ. L. R. 7-1(b).

25 Plaintiffs' opposition papers were due at least twenty-one days before the noticed hearing
26 date of April 15, 2011, or no later than March 25, 2011. *See* Civ. L. R. 7-3(a). As of the date of
27

28 ¹This disposition is not designated for publication in the official reports.

1 this order, Plaintiffs have not filed opposition papers. Because the instant motion appears well-
2 taken and is unopposed, the motion will be granted, with leave to amend.

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4 **ORDER**

5 For good cause shown:

- 6 (1) the motion to dismiss is GRANTED, with leave to amend;
7 (2) any amended pleading shall be filed within twenty (20) days of the date this order
8 is filed;
9 (3) the hearing date of April 15, 2011 is VACATED.
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11 **IT IS SO ORDERED**

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13 DATED: April 12, 2011

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15 JEREMY FOGEL
16 United States District Judge
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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

ELEANOR LICUP and DANTE LICUP,

Plaintiffs,

v.

CITI MORTGAGE, INC.; ALLIANCE TITLE
COMPANY; ALMADEN BLOSSOM HILL
REALTY, INC.; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC.,

Defendants.

Case Number 5:10-CV-04574 JF (PSG)

CERTIFICATE OF SERVICE

13 I, the undersigned, hereby certify that I am an employee of the Office of the Clerk,
United States District Court, Northern District of California.

14 On April 12, 2011, I served a true and correct copy of the attached document to each of
15 the persons hereinafter listed by placing said copy in a postage paid envelope and depositing
16 said envelope in the United States mail, or by placing said envelope in the outgoing mail
delivery receptacle located in the Clerk's Office:

17 Mr. Dante Licup and Mrs. Eleanor Licup
18 1583 McCoy Avenue
Campbell, CA 95008

19 DATED: April 12, 2011

20 For the Court
Richard W. Weiking, Clerk

21 By: _____/s/
22 Diana Munz
Courtroom Deputy Clerk