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3 **E-filed 6/15/2011**
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8 **IN THE UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**
10 **SAN JOSE DIVISION**
11

12 CHRIS FIELD, an individual; and TERRIE
13 FIELD, an individual,

14 Plaintiffs,

15 v.

16 CITIMORTGAGE, INC., a California Corporation;
17 and DOES 1 through 50, inclusive

18 Defendants.
19

Case Number 5:11-cv-1465-JF/HRL

ORDER¹ GRANTING MOTION TO
DISMISS WITH LEAVE TO AMEND

[Re: Docket No. 6]

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21 Plaintiffs Chris and Terrie Field filed the instant action on February 17, 2011, in the
22 Santa Clara Superior Court, alleging that they were defrauded with respect to a home loan they
23 obtained on December 14, 2006. Defendants removed the case to this Court and moved to
24 dismiss the complaint.

25 Under this Court's Civil Local Rules, Plaintiffs' opposition was due at least twenty-one
26 days before the noticed hearing date of June 24, 2011—here, not later than June 3, 2011. *See Civ.*
27 *L.R. 7-3(a)*. As of the date of this order, Plaintiffs have not filed opposition papers.
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¹ This disposition is not designated for publication in the official reports.

1 Plaintiffs' claims arise from a loan obtained more than four years before the action was
2 filed. As Defendants contend, several of those claims appear on their face to be time-barred, and
3 the complaint does not allege facts indicating that the relevant statutes of limitations should be
4 tolled. The other arguments raised by Defendants are similarly well-taken. For these reasons,
5 and because it is unopposed, the motion to dismiss will be granted with leave to amend. Any
6 amended pleading shall be filed within twenty (20) days after the date of this order.

7 **ORDER**

8 For good cause shown,

- 9 (1) the motion to dismiss is GRANTED, WITH LEAVE TO AMEND;
10 (2) any amended pleading shall be filed within twenty (20) days after the date of this
11 order;
12 (3) the hearing date of June 24, 2011 is VACATED.

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14 DATED: June 15, 2011

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16 JEREMY FOGEL
17 United States District Judge