UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

IMANT KOTSINSH and DAVID-WYNN MILLER,

Plaintiffs,

v.

FIRST AMERICAN TITLE, a California Corporation; GREENPOINT FUNDING INCORPORATED, a New York Corporation; FINANCIAL TITLE COMPANY, a California Corporation; MARIN CONVEYANCING CORPORATION, "as Trustee"; AURORA LOAN SERVICES, LLC; AURORA BANK; FEDERAL SAVINGS BANK, A COLORADO CORPORATION; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC. "MERS"-A/K/A MERS CORPORATION, INCORPORATION, a Delaware Corporation; AKERMAN SENTERFITT, LLP, a California Limited Liability Partnership Company; IMRAN HAYAT, ESQ., an Individual; TAYLOR L. BROADHEAD, ESQ., an Individual; JUSTIN D. BASLER, ESQ., an Individual; TFLG CORPORATION, a California Corporation; ERIC FERNANDEZ, ESQ., an Individual; SEAN BEDROSIAN, ESQ., an Individual; LAURIE HOWELL, ESQ., an Individual; CAL-WESTERN RECONVEYANCE CORPORATION, "as Trustee",

Defendants.

Case No.: 12-cv-04636-LHK

ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED AS TO THE AURORA DEFENDANTS FOR FAILURE TO PROSECUTE

Plaintiffs filed their Complaint on September 5, 2012. ECF No. 1. Plaintiffs' Complaint appears to consist of miscellaneous words and numbers.

On November 19, 2012, Defendants Aurora Bank FSB, Aurora Loan Services, LLC, and Mortgage Electronic Registration Systems, Inc. (collectively, "Aurora Defendants") also filed a motion to dismiss. ECF No. 11. Pursuant to Civil Local Rule 7-3(a), Plaintiffs' opposition to the Aurora Defendants' motion to dismiss was due on December 3, 2012. Plaintiffs have not filed an opposition or statement of non-opposition to the Aurora Defendants' motion to dismiss.

The Court previously ordered Plaintiffs to show cause why this case should not be dismissed as to Defendant Greepoint Mortgage Funding, Inc. as a result of Plaintiffs' failure to file an opposition to Defendant Greenpoint Mortgage Funding's motion to dismiss. *See* ECF No. 12. Plaintiff failed to respond to the order to show cause by the response date of December 10, 2012.

The Court hereby orders Plaintiffs to show cause why this case should not be dismissed as to the Aurora Defendants for failure to prosecute. This Order does not authorize Plaintiffs to file an untimely opposition to the Aurora Defendants' motion to dismiss. Plaintiffs have until December 27, 2012 to file a response to this Order to Show Cause. A hearing on this Order to Show Cause is set for **January 2, 2013 at 2:00 P.M.** (the same time as the hearing on the Court's OSC regarding Defendant Greenpoint Mortgage Funding). Plaintiffs' failure to respond to this Order and to appear at the January 2, 2013 hearing will result in dismissal of the Aurora Defendants with prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: December 13, 2012

LUCY H. KOH
United States District Judge