

United States District Court  
For the Northern District of California

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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 DISMISSING AKERMAN  
SENERFITT, LLP, TAYLOR L.  
BROADHEAD, AND JUSTIN D.  
BALSER; ORDER TO SHOW CAUSE  
RE: ALL REMAINING DEFENDANTS

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

3 **Background**

4 On November 19, 2012, Defendants Aurora Bank FSB, Aurora Loan Services, LLC,  
5 Mortgage Electronic Registration Systems, Inc., Akerman Senterfitt, LLP, Taylor L. Broadhead,  
6 and Justin D. Balsler (collectively, "Aurora Defendants") filed a motion to dismiss. ECF No. 11.  
7 Plaintiffs' opposition to the Aurora Defendants' motion to dismiss was due on December 3, 2012.  
8 *See* Local Rule 7-3(a). Plaintiffs did not (and have not) filed an opposition or statement of non-  
9 opposition the Aurora Defendants' motion to dismiss. Accordingly, on December 13, 2012, the  
10 Court ordered Plaintiffs to show cause why this case should not be dismissed as to Defendants  
11 Aurora Bank FSB, Aurora Loan Services, LLC, and Mortgage Electronic Registration Systems,  
12 Inc. ECF No. 14 ("Aurora OSC"). The Court inadvertently omitted Defendants Akerman  
13 Senterfitt, LLP, Taylor L. Broadhead, and Justin D. Balsler from the Aurora OSC. The Court  
14 ordered Plaintiffs to respond to the OSC by December 27, 2012. *Id.* The hearing on the Aurora  
15 OSC was set for January 2, 2013 at 2:00 P.M. *Id.* The Court notified Plaintiffs that if Plaintiffs  
16 failed to respond to the Aurora OSC and failed to appear at the January 2, 2013 hearing, the Court  
17 would dismiss Plaintiffs' case with prejudice as to Defendants Aurora Bank FSB, Aurora Loan  
18 Services, LLC, and Mortgage Electronic Registration Systems, Inc. for failure to prosecute. *Id.*

19 Plaintiffs failed to respond to the Aurora OSC. Plaintiffs also failed to appear at the  
20 January 2, 2013 hearing on the Aurora OSC. Accordingly, on January 3, 2013, Plaintiffs' case was  
21 DISMISSED WITH PREJUDICE as to Defendants Aurora Bank FSB, Aurora Loan Services,  
22 LLC, and Mortgage Electronic Registration Systems, Inc. *See* ECF No. 19.<sup>1</sup>

23 On January 3, 2013, the Court also ordered Plaintiffs to show cause why this case should  
24 not be dismissed as to Defendants Akerman Senterfitt, LLP, Taylor L. Broadhead, and Justin D.  
25 Balsler (the Aurora Defendants who were inadvertently omitted from the Aurora OSC). *Id.*  
26 ("Second Aurora OSC"). Plaintiffs' deadline to respond to the Second Aurora OSC was set for

27 <sup>1</sup> In the same Order, the Court also dismissed Defendant Greenpoint Mortgage Funding, Inc.  
28 pursuant to another order to show cause issued regarding that Defendant. *See* ECF No. 19.

1 January 16, 2013. A hearing on the Second Aurora OSC was set for January 30, 2013 at 2:00 P.M.  
2 The Court advised Plaintiffs that if Plaintiffs failed to respond to the Second Aurora OSC and to  
3 appear at the January 30, 2013 hearing, Plaintiffs' case would be dismissed with prejudice as to  
4 Defendants Akerman Senterfitt, LLP, Taylor L. Broadhead, and Justin D. Balsler for failure to  
5 prosecute.

6 In addition to issuing an OSC as to the remaining Aurora Defendants, the Court advanced  
7 the case management conference scheduled for February 28, 2013 to January 30, 2013 at 2:00 p.m.  
8 The Court advised Plaintiffs that if Plaintiffs failed to submit a joint case management conference  
9 statement in advance of the January 30, 2013 case management conference and failed to appear at  
10 the January 30, 2013 case management conference, the Court would issue an order to show cause  
11 as to why this case should not be dismissed with prejudice as to the remaining Defendants for  
12 failure to prosecute.

13 **Order of Dismissal Regarding Defendants Akerman Senterfitt, LLP, Taylor L. Broadhead,**  
14 **and Justin D. Balsler**

15 Plaintiffs have not responded to the Second Aurora OSC and did not appear at the January  
16 30, 2013 hearing. Accordingly, Plaintiffs' case is DISMISSED WITH PREJUDICE as to  
17 Defendants Akerman Senterfitt, LLP, Taylor L. Broadhead, and Justin D. Balsler. The Aurora  
18 Defendants' motion to dismiss (ECF No. 11) is DENIED AS MOOT.

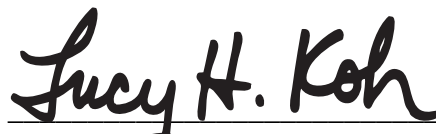
19 **Order to Show Cause as to Remaining Defendants**

20 Furthermore, in light of Plaintiffs' failure to file a joint case management conference  
21 statement and failure to appear at the January 30, 2013 case management conference, the Court  
22 hereby orders Plaintiffs to show cause why this case should not also be dismissed as to all  
23 remaining Defendants. Plaintiffs have until February 13, 2013 to file a response to this Order to  
24 Show Cause. A hearing on this Order to Show Cause is set for **February 27, 2013 at 2:00 P.M.**  
25 Plaintiffs' failure to respond to this Order and to appear at the February 27, 2013 hearing will result  
26 in dismissal of all remaining Defendants with prejudice for failure to prosecute.

27 **IT IS SO ORDERED.**

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Dated: January 30, 2013



LUCY H. KOH  
United States District Judge