UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

SAN JOSE DIVISION

AASHWINI LAL,

Plaintiff,

v.

SPECIALIZED LOAN SERVICING LLC, et al.,

Defendants.

Case No. 15-CV-01421-LHK

ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE

Plaintiff Aashwini Lal ("Plaintiff"), with the assistance of counsel, filed suit on or around October 31, 2014, in Santa Clara County Superior Court. ECF No. 1 Ex. A. Plaintiff filed a First Amended Complaint on or around November 14, 2014. Id. Ex. C. Defendants Specialized Loan Servicing, LLC ("SLS"), Specialized Asset Management, LLC ("SAM"), and Deutsche Bank National Trust as Trustee for GSR Mortgage Loan Trust 206-0A1 ("Deutsche") (collectively, "Defendants") removed the instant case to federal court on March 27, 2015. ECF No. 1

On April 3, 2015, Defendants moved to dismiss Plaintiff's lawsuit, arguing that each of Plaintiff's causes of action should be dismissed for failure to state a claim under Rule 12(b)(6) of the Federal Rules of Civil Procedure. ECF No. 10. A hearing on Defendants' Motion to Dismiss was set for September 10, 2015. ECF No. 20. The instant case was reassigned to the undersigned

on April 10, 2015. ECF No. 16.

Pursuant to Civil Local Rules 7-3(a) and 7-7(d), Plaintiff's Opposition to Defendants' Motion to Dismiss was due on April 17, 2015. On April 24, 2015, Defendants filed a Notice of Non-Opposition, which indicated that "Defendants have not received an opposition, nor does the Court's docket note any entry of a filing of an opposition." ECF No. 17 at 2. Because Plaintiff had failed to file any Opposition, Defendants requested "that the Court sustain the motion to dismiss the Complaint without leave to amend." Id. As of today, May 4, 2015, Plaintiff has not filed an Opposition or Statement of Non-Opposition to Defendants' Motion to Dismiss.

The Court hereby ORDERS Plaintiff to show cause why this case should not be dismissed with prejudice for failure to prosecute. This Order does not authorize Plaintiff to file an untimely Opposition to Defendants' Motion to Dismiss. Plaintiff has until May 15, 2015, to file a written response not to exceed ten (10) pages in length to this Order to Show Cause. A hearing on this Order to Show Cause is hereby set for May 21, 2015, at 1:30 p.m.

Plaintiff's failure to respond to this Order and to appear at the hearing on May 21, 2015, will result in dismissal of this action with prejudice for failure to prosecute.

IT IS SO ORDERED.

Dated: May 4, 2015

Lucy H. Koh

LUCY H. KOH
United States District Judge

United States District Court
Northern District of California