

United States District Court
Northern District of California

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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 DISMISSING CASE WITH
PREJUDICE 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. Proof of service on Plaintiff’s counsel was filed on March 31, 2015. ECF No. 9.

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

1 was set for September 10, 2015. ECF No. 20. The instant case was reassigned to the undersigned
2 on April 10, 2015. ECF No. 16.

3 Pursuant to Civil Local Rules 7-3(a) and 7-7(d), Plaintiff's Opposition to Defendants'
4 Motion to Dismiss was due on April 17, 2015. On April 24, 2015, Defendants filed a Notice of
5 Non-Opposition, which indicated that "Defendants have not received an opposition, nor does the
6 Court's docket note any entry of a filing of an opposition." ECF No. 17 at 2. Because Plaintiff
7 had failed to file any Opposition, Defendants requested "that the Court sustain the motion to
8 dismiss the Complaint without leave to amend." Id. As of today, May 21, 2015, Plaintiff has not
9 filed an Opposition or Statement of Non-Opposition to Defendants' Motion to Dismiss.

10 On May 4, 2015, the Court ordered Plaintiff to show cause why this case should not be
11 dismissed with prejudice for failure to prosecute. ECF No. 21. The Court gave Plaintiff until May
12 15, 2015, to file a written response to the Court's Order to Show Cause and scheduled a hearing
13 on that Order for May 21, 2015, at 1:30 p.m. Id. at 2. The Order to Show Cause put Plaintiff on
14 notice that Plaintiff's "failure to respond to this Order and to appear at the hearing on May 21,
15 2015, will result in dismissal of this action with prejudice for failure to prosecute." Id. Plaintiff
16 subsequently failed to file any response or appear at the hearing on the Order to Show Cause.

17 Considering that Plaintiff has failed to oppose Defendants' Motion to Dismiss, failed to
18 respond to the Court's Order to Show Cause, and failed to appear at the hearing set for that Order,
19 and having weighed the factors set forth in *Pagtalunan v. Galaza*, 291 F.3d 639, 642 (9th Cir.
20 2002), the Court hereby **DISMISSES WITH PREJUDICE** Plaintiff's case for failure to prosecute.
21 See, e.g., *Ghazali v. Moran*, 46 F.3d 52, 53 (9th Cir. 1995) ("Failure to follow a district court's
22 local rules is a proper ground for dismissal.").

23 The Clerk shall close the case file.

24 **IT IS SO ORDERED.**

25 Dated: May 21, 2015



LUCY H. KOH
United States District Judge