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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION**

LEONARD K. TYSON, et al.,
Plaintiffs,
v.
NATIONSTAR MORTGAGE LLC, et al.,
Defendants.

Case No. [15-cv-01548-BLF](#)

**ORDER STRIKING PLAINTIFFS’
OPPOSITION TO DEFENDANTS’
MOTIONS TO DISMISS**

[Re: ECF 28]

On August 3, 2015 Defendant Real Time Resolutions, Inc. (“Real Time”) filed a motion to dismiss Plaintiffs’ Complaint. ECF No. 22. Plaintiffs’ opposition to Defendant Real Time’s motion to dismiss was due on August 17, 2015 and Defendant Real Time’s reply was due on August 24, 2015. Plaintiff did not file its opposition by August 17, 2015 and on August 24, 2015, Defendant Real Time filed a reply arguing Plaintiffs’ Complaint should be dismissed without leave to amend because Plaintiff failed to file an opposition. ECF No. 27.

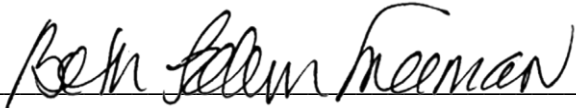
Meanwhile, on August 7, 2015, Defendant Nationstar Mortgage LLC (“Nationstar”) also filed a motion to dismiss Plaintiffs’ Complaint. ECF No. 23. Plaintiffs’ opposition to Defendant Nationstar’s motion to dismiss was due on August 21, 2015 and Plaintiff did not file an opposition by this date. However, on August 24, 2015, after Defendant Real Time filed a reply pointing out that Plaintiffs had failed to file an opposition, Plaintiffs filed a single opposition brief responding to both Defendants’ motions to dismiss. ECF No. 28. This opposition is signed and dated “August 21, 2015” but was not filed until August 24, 2015. ECF No. 28 at 19.

Under Civil L.R. 7-3(a), any opposition to a motion “must be filed and served not more than 14 days after the motion was filed.” Plaintiffs’ opposition was filed more than 14 days after

1 each of the motions to dismiss and was filed without seeking either a leave of Court to file an
2 untimely pleading or an extension of the deadline to file an opposition. Accordingly, Plaintiffs'
3 opposition filing at ECF 28 is STRICKEN for being untimely without prejudice for Plaintiffs to
4 seek leave to file an untimely opposition.

5 **IT IS SO ORDERED.**

6 Dated: August 26, 2015

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8 BETH LABSON FREEMAN
9 United States District Judge
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