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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF CALIFORNIA

JOSE DE LA GARZA; GLORIA DE LA GARZA, Plaintiffs, vs. WASHINGTON MUTUAL MORTGAGE, INC., Defendant.	CASE NO. 09cv0390 JM(WMC) ORDER VACATING ORDER TO SHOW CAUSE HEARING DATE; GRANTING LEAVE TO AMEND

On or about April 6, 2009 the court struck the Second Amended Complaint and issued an Order to Show Cause why the case should not be dismissed ("OSC"). (Docket No. 10). Plaintiffs have responded to the OSC, representing that the First Amended Complaint ("FAC") was inadvertently filed and that the Second Amended Complaint ("SAC") simply sought to rectify the inadvertent filing of the FAC. With respect to the filing of the SAC in violation of the stay, Plaintiffs counsel represents that it filed the SAC prior to learning of the entry of the stay order.

For good cause shown, the court vacates the OSC hearing date and, as there is no longer an operative complaint on file, instructs Plaintiffs to file a Third Amended Complaint within ten days of entry of this order.

IT IS SO ORDERED.

DATED: April 21, 2009

Hon. Jeffrey T. Miller
United States District Judge

cc: All parties

Dockets.Justia.com