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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

REBECA RANDLE,)	Civil No. 09cv2290 L(NLS)
)	
Plaintiff,)	ORDER REQUIRING A RESPONSE
)	TO DEFENDANTS' MOTIONS TO
v.)	DISMISS
)	
EMC MORTGAGE CORP AND GMAC)	
MORTGAGE, <i>et al.</i> ,)	
)	
Defendants.)	

Defendants EMC Mortgage Corporation and Mortgage Electronic Registration Systems, Inc. (collectively "MERS") and Greenpoint Funding, Inc. ("Greenpoint") each move to dismiss plaintiff's complaint under Federal Rule of Civil Procedure 12(b)(6). [doc. nos. 6, 7] Although represented by counsel, plaintiff has not filed an opposition to either motion.

Failure to file an opposition is addressed in Civil Local Rule 7.1(f)(3)(c):

Unless otherwise provided by rule or court order, a party opposing a motion, or other request for ruling by the court *must* file a written opposition. If such party chooses not to oppose the motion, the party *must* file a written statement that the party does not oppose the motion or other request for ruling by the court.

Civ. L.R. 7.1(f)(3)(c) (emphasis added). This Rule was designed to relieve the Court of the burden of reviewing the merits of a motion without full briefing. Such a review requires a significant amount of scarce judicial time.

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1 Civil Local Rule 83.1 provides for sanctions for noncompliance with the Local Rules:


2 Failure of counsel or of any party to comply with these rules, with the Federal
3 Rules of Civil Procedure or Criminal Procedure, or with any order of the court
4 may be found for imposition by the court of any and all sanctions authorized by
5 statute or rule or within the inherent power of the court, including, without
6 limitation, dismissal of any actions, entry of default, finding of contempt,
7 imposition of monetary sanctions or attorneys' fees and costs, and other lesser
8 sanctions.

9 Civ. L. R. 83.1(a).

10 Based on the foregoing, **IT IS ORDERED** that plaintiffs shall file an opposition to
11 defendants' motion to dismiss and to expunge lis pendens or a statement that the he does not
12 oppose the motion **on or before September 3, 2010. IT IS FURTHER ORDERED** that
13 failure to comply with this Order shall result in an order to show cause why sanctions should not
14 be imposed upon plaintiffs and/or their counsel.

15 **IT IS SO ORDERED.**

16 DATED: August 26, 2010

17 
18 M. James Lorenz
19 United States District Court Judge

20 COPY TO:

21 HON. WILLIAM V. GALLO
22 UNITED STATES MAGISTRATE JUDGE

23 ALL PARTIES/COUNSEL
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