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**UNITED STATES DISTRICT COURT**  
**SOUTHERN DISTRICT OF CALIFORNIA**

WILFREDO E. SALARDA JR. And  
 MARY JEAN T. SALARDA, individuals  
 on behalf of themselves and all others  
 similarly situated,

CASE NO. 12cv0700-WQH-BGS  
 ORDER

Plaintiffs,

vs.

AEGIS WHOLESALE CORPORATION,  
 as original lender; COMMONWEALTH  
 LAND TITLE, as original trustee;  
 ALLIANCE TITLE COMPANY, title  
 company; COUNTRYWIDE HOME  
 LOANS SERVICING LP, as PSA master  
 server; COUNTRYWIDE HOME  
 LOANS INC., as PSA Sponsor and Seller;  
 CWALT, INC., as PSA Depositor; THE  
 BANK OF NEW YORK, as PSA Trustee;  
 NONE PSA Custodian; ALTERNATIVE  
 LOAN TRUST 2007-OA8, as PSA Trust  
 Issuing Entity; RECONTRUST  
 COMPANY, as Foreclosing Trustee;  
 CHRISTINE DAYMUDE, as Assistant  
 Secretary of MERS, INC., MICHAEL J.  
 BALLMANN, Notary of the Assignment  
 of Deed of Trust; and DOES 1 through  
 100, inclusive,

Defendants.

HAYES, Judge:

The matters before the Court are the Motion to Dismiss filed by Defendant Commonwealth Land Title (ECF No. 5) and the Motion to Dismiss filed by Defendants Alternative Loan Trust 2007-OA8, Michael J. Ballmann, CWalt, Inc., Countrywide Home Loans Servicing LP, Countrywide Home Loans, Inc., Christine Daymude, None PSA Custodian, Recontrust Company, and The Bank of New York (ECF No. 6).

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## BACKGROUND

On March 22, 2012, Plaintiffs, proceeding pro se, initiated this action by filing a Complaint. (ECF No. 1). On August 7, 2012, Defendant Commonwealth Land Title filed a Motion to Dismiss. (ECF No. 5). On August 8, 2012, Defendants Alternative Loan Trust 2007-OA8, Michael J. Ballmann, CWalt, Inc., Countrywide Home Loans Servicing LP, Countrywide Home Loans, Inc., Christine Daymude, None PSA Custodian, Recontrust Company, and The Bank of New York filed a Motion to Dismiss. (ECF No. 6).

Plaintiffs have not filed an opposition to either of the Motions to Dismiss.

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## DISCUSSION

A district court may properly grant an unopposed motion pursuant to a local rule where the local rule permits, but does not require, the granting of a motion for failure to respond. *See Ghazali v. Moran*, 46 F.3d 52, 54 (9th Cir. 1995). Civil Local Rule 7.1 provides that “each party opposing a motion ... must file that opposition ... with the clerk ... not later than fourteen (14) calendar days prior to the noticed hearing.” S.D. Cal. Civ. Local Rule 7.1(e)(2). “If an opposing party fails to file the papers in the manner required by Civil Local Rule 7.1.e.2, that failure may constitute a consent to the granting of a motion or other request for ruling by the court.” S.D. Cal. Civ. Local Rule 7.1(f)(3)(a). “Before dismissing the action, the district court is required to weigh several factors: (1) the public's interest in expeditious resolution of litigation; (2) the court's need to manage its docket; (3) the risk of prejudice to the defendants; (4) the public policy favoring disposition of cases of their merits; and (5) the availability of less drastic sanctions.” *Ghazali*, 46 F.3d at 53 (quotations omitted).

“Although there is ... a [public] policy favoring disposition on the merits, it is the responsibility of the moving party to move towards that disposition at a reasonable pace, and to refrain from dilatory and evasive tactics.” *In re Eisen*, 31 F.3d 1447, 1454 (9th Cir. 1994) (affirming grant of motion to dismiss for failure to prosecute); *see also Steel v. City of San Diego*, No. 09cv1743, 2009 WL 3715257, at \*1 (S.D. Cal., Nov. 5, 2009) (dismissing action pursuant to Local Rule 7.1 for plaintiff’s failure to respond to a motion to dismiss).

1 Both Motions to Dismiss in this case contain proofs of service indicating that Plaintiffs  
2 were served with the respective motions. (ECF Nos. 5-3, 6 at 34-35). The Motions to Dismiss  
3 reflect that the hearings for both motions were noticed for September 10, 2012. As of the date  
4 of this Order, Plaintiffs have failed to file any opposition to the Motions to Dismiss. The Court  
5 concludes that "the public's interest in expeditious resolution of litigation," "the court's need  
6 to manage its docket," and "the risk of prejudice to the defendant" weigh in favor of granting  
7 the Motions to Dismiss on the grounds that Plaintiffs have failed to file any opposition.  
8 *Ghazali*, 46 F.3d at 53.

9 **CONCLUSION**

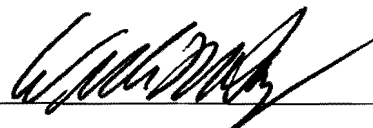
10 IT IS HEREBY ORDERED that the Motion to Dismiss filed by Defendant  
11 Commonwealth Land Title (ECF No. 5) is GRANTED, and the Motion to Dismiss filed by  
12 Defendants Alternative Loan Trust 2007-OA8, Michael J. Ballmann, CWalt, Inc., Countrywide  
13 Home Loans Servicing LP, Countrywide Home Loans, Inc., Christine Daymude, None PSA  
14 Custodian, Recontrust Company, and The Bank of New York (ECF No. 6) is GRANTED.

15 The Complaint is DISMISSED without prejudice as to Defendants Commonwealth  
16 Land Title, Alternative Loan Trust 2007-OA8, Michael J. Ballmann, CWalt, Inc., Countrywide  
17 Home Loans Servicing LP, Countrywide Home Loans, Inc., Christine Daymude, None PSA  
18 Custodian, Recontrust Company, and The Bank of New York.

19 The Clerk of the Court is instructed to mail a copy of this Order to Plaintiffs at their last  
20 known address.

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22 DATED: \_\_\_\_\_

9/11/12

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24 WILLIAM Q. HAYES  
United States District Judge