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

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JOSE L. VALLE and ELIZABETH
VALLE,

CASE NO. 14cv0212-GPC(RBB)

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Plaintiffs,

ORDER:

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vs.

**1) GRANTING DEFENDANTS'
UNOPPOSED MOTIONS TO
DISMISS**

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[Dkt. Nos. 5, 7.]

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NEW CENTURY MORTGAGE
CORPORATION; JP MORGAN
CHASE BANK N.A.; AND
NORTHWEST TRUSTEE
SERVICES, INC. on behalf of
DEUTSCHE BANK NATIONAL
TRUST COMPANY, as TRUSTEE,
for HSI ASSET SECURITIZATION
CORPORATION TRUST 2005-NC1,
MORTGAGE PASS-THROUGH
CERTIFICATES, SERIES 2005-NC1,

**2) DENYING AS MOOT
DEFENDANTS' REQUESTS FOR
JUDICIAL NOTICE**

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[Dkt. Nos. 6, 7-2.]

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Defendants.

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On January 31, 2014, Plaintiffs Jose L. Valle and Elizabeth Valle (collectively, "Plaintiffs") filed a Complaint in the above-captioned matter against Defendants New Century Mortgage Corporation; JP Morgan Chase Bank N.A.; and Northwest Trustee Services, Inc. on behalf of Deutsche Bank National Trust Company as Trustee for HSI Asset Securitization Corporation Trust 2005-NC1, Mortgage Pass-Through Certificates, Series 2005-NC1 ("Northwest Trustee Services, Inc."). (Dkt. No. 1.) Plaintiffs returned executed summons showing they served JP Morgan Chase Bank

1 N.A. and Northwest Trustee Services, Inc. (Dkt. Nos. 3, 4.) Defendant New Century
2 Mortgage Corporation was not served with the Complaint. (Dkt. No. 9.)

3 On February 21, 2014, Defendant JP Morgan Chase Bank N.A. filed a motion
4 to dismiss the Complaint, (Dkt. No. 5), and related request for judicial notice. (Dkt. No.
5 6.) On February 24, 2014, Defendant Northwest Trustee Services, Inc. Also filed a
6 motion to dismiss the Complaint, (Dkt. No. 7), and related request for judicial notice.
7 (Dkt. No. 7-2.) The Court set a briefing schedule for both motions requiring Plaintiffs
8 to file a response(s) by April 11, 2014. (Dkt. No. 8.) To date, Plaintiffs have not filed
9 an opposition.

10 Civil Local Rule 7.1.e.2. requires a party opposing a motion to file an opposition
11 or statement of non-opposition within fourteen calendar days of the noticed hearing.
12 Failure to comply with these rules “may constitute a consent to the granting of a
13 motion.” Civ. Local R. 7.1.f.3.c. District courts have broad discretion to enact and
14 apply local rules, including dismissal of a case for failure to comply with the local
15 rules. Ghazali v. Moran, 46 F.3d 52, 53 (9th Cir. 1995) (affirming grant of an
16 unopposed motion to dismiss under local rule by deeming a *pro se* litigant’s failure to
17 oppose as consent to granting the motion); United States v. Warren, 601 F.2d 471, 474
18 (9th Cir. 1979). Before dismissing an action for failure to comply with local rules, the
19 district court “weigh[s] several factors: ‘(1) the public’s interest in expeditious
20 resolution of litigation; (2) the court’s need to manage its docket; (3) the risk of
21 prejudice to the defendants; (4) the public policy favoring disposition of cases of their
22 merits; and (5) the availability of less drastic sanctions.’” Ghazali, 46 F.3d at 53
23 (quoting Henderson v. Duncan, 779 F.2d 1421, 1423 (9th Cir.1986)).

24 Here, the Court concludes that “the public’s interest in expeditious resolution of
25 litigation,” “the court’s need to manage its docket,” and “the risk of prejudice to the
26 defendants” weigh in favor of granting the Motion to Dismiss based on Plaintiffs’
27 failure to file an opposition. See Ghazali, 46 F.3d at 53. The majority of these factors
28 weigh in favor of dismissal.

