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8 UNITED STATES DISTRICT COURT
9 SOUTHERN DISTRICT OF CALIFORNIA
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11 CINTHIA F. MARSHALL,
12 Plaintiff,
13 v.
14 OCWEN LOAN SERVICING, LLC,
15 Defendant.

Case No.: 17CV1818-LAB-LL

**ORDER DENYING WITHOUT
PREJUDICE JOINT MOTION TO
MODIFY SCHEDULING ORDER**

[ECF No. 32]

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17 On July 27, 2018, Defendant filed a Motion for Judgment on the Pleadings to
18 Plaintiff's Complaint. ECF No. 23. Plaintiff failed to oppose this motion. In response,
19 the Court issued an order requiring Plaintiff to show cause as to why Defendant's motion
20 should not be summarily granted. ECF No. 26. Plaintiff failed to comply with this Order.

21 On October 5, 2018, Defendant filed a "Motion for Discovery re Determination of
22 Discovery Dispute." ECF No. 24. Plaintiff failed to oppose this motion. In response, the
23 Court issued an order requiring Plaintiff to respond to the motion by no later than October
24 26, 2018. ECF No. 25. Plaintiff failed to comply with this Order.

25 On December 21, 2019, the Parties filed a Joint Motion to Modify the Scheduling
26 Order to extend the deadlines for: (1) pre-trial motions; (2) the mandatory settlement
27 conference; (3) pre-trial disclosures; (4) complying with Local Rule 16.1(f)(4); (5) the
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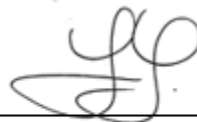
1 Proposed Final Pretrial Conference Order; and (6) the Pretrial Conference. ECF No. 32.
2 In support, the Parties state the extension is necessary given Defendants' Motion for
3 Judgment on the Pleadings and "Motion for Discovery re Determination of Discovery
4 Dispute." Id. at 5.

5 On January 7, 2019, the Court granted in part Defendant's Motion for Judgment on
6 the Pleadings. ECF No. 33. In the Order, Plaintiff was ordered to show cause as to why
7 this action should not be dismissed for failure to prosecute by no later than January 16,
8 2019. Id. at 2. The Court further ordered Plaintiff, to the extent she believes she can correct
9 the defects pointed out in Defendants' Motion for Judgment on the Pleadings, to file a
10 Motion for Leave to Amend her Complaint by January 28, 2019. Id. at 2-3. If Plaintiff
11 files a Motion for Leave, Defendant's Opposition will be due by February 11, 2019. Id. at
12 3.

13 For the above reasons, the Court **DENIES WITHOUT PREJUDICE** the Parties'
14 request to continue pretrial deadlines at this time. If Plaintiff has shown good cause as to
15 why this action should not be dismissed, the Parties are **ORDERED** to contact the
16 Chambers of Judge Lopez within three days of Judge Burns' ruling on Plaintiff's Motion
17 for Leave to schedule a conference to reschedule the remaining pretrial dates.

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19 **IT IS SO ORDERED.**

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21 Dated: January 8, 2019



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23 _____
24 Honorable Linda Lopez
25 United States Magistrate Judge
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