

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

NIREZ ALVARADO, REBECCA	§	
ALVARADO, SALVADOR ALVARADO,	§	
ARTHUR ARCURI, AND LOUIS	§	
ARCURI,	§	
Plaintiff,	§	A-15-CV-859-LY-ML
V.	§	
	§	
JP MORGAN CHASE BANK NATIONAL	§	
ASSOCIATION, SUCCESSOR BY	§	
MERGER TO CHASE HOME FINANCE,	§	
LLC,	§	
Defendants.	§	
	§	

**ORDER**

Before the Court are Plaintiffs’ third Motion for Extension of Time to File Response In Opposition to Defendant’s Motion to Dismiss [Dkt. # 8] and Motion to Withdraw [Dkt. #9].<sup>1</sup> The pending Motion to Dismiss was filed October 1, 2015, shortly after this case was removed to federal court by Defendant on the basis of diversity jurisdiction. Plaintiffs have sought and received two prior extensions of time to respond to the pending motion. This third extension of 60 days is sought solely for purposes of allowing counsel to withdraw and plaintiffs to seek new representation. The motion to withdraw indicates counsel for plaintiff seeks to withdraw because of a dispute over fees.

The Court notes Plaintiffs’ counsel is the attorney who filed Plaintiffs’ state court complaint and application for temporary injunction, thereby initiating this civil action.

---

<sup>1</sup> The listed nondispositive motions in the above-styled cause have been referred to the undersigned by United States District Judge, Robert Pitman, for resolution pursuant to 28 U.S.C. § 636(b)(1)(A), Federal Rule of Civil Procedure 72, and Rule 1(c) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas.

Defendant filed its motion to dismiss well before Plaintiffs' counsel gave the Court notice of any dispute about fees, and the Court has already granted two extensions of time to respond to this pending dispositive motion. Under these circumstances, the Court finds the dispute between Plaintiffs and their counsel over attorney's fees does not relieve counsel of the obligation to provide the Court a timely, substantive response to the pending motion to dismiss.

Therefore,

IT IS ORDERED that Plaintiffs' third Motion for Extension of Time to File Response In Opposition to Defendant's Motion to Dismiss [Dkt. # 8] is DENIED.

IT IS FURTHER ORDERED that Plaintiffs' Response to the pending Motion to Dismiss must be filed on or before **Friday, December 11, 2015**.

IT IS FINALLY ORDERED that the Motion to Withdraw [Dkt. #9] is DENIED without prejudice to re-urging, if necessary, after a timely response to the pending Motion to Dismiss has been filed.

SIGNED November 23, 2015



---

MARK LANE  
UNITED STATES MAGISTRATE JUDGE