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8 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
9 AT SEATTLE

10 JOSH AUXIER and COLEEN AUXIER,

11 Plaintiff,

12 v.

13 SUTTELL & HAMMER, P.S.;  
14 FREDERICK J. HANNA &  
ASSOCIATES, P.C.; NORTHSTAR  
15 LOCATION SERVICES, LLC; and FIA  
CARD SERVICES, N.A a/k/a BANK OF  
16 AMERICA,

17 Defendants.

CASE NO. C12-288MJP

ORDER GRANTING DEFENDANT  
FREDERICK J. HANNA &  
ASSOCIATES' MOTION FOR  
SUMMARY JUDGMENT

18 This matter comes before the Court on the motion for summary judgment filed by  
19 Defendant Frederick J. Hanna & Associates, P.C. (Dkt. No. 33.) Having reviewed the motion  
20 and the remaining record, the Court GRANTS the motion.

21 Local Rule LCR 7(b) explains that "Each party opposing [a] motion shall, within the time  
22 prescribed in LCR 7(d), file with the clerk, and serve on each party that has appeared in the  
23 action, a brief in opposition to the motion, together with any supporting material . . ." LCR 7(b).  
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1 Here, Defendant Frederick J. Hanna & Associates, P.C. filed its motion for summary judgment  
2 on October 11, 2012. (Dkt. No. 33.) Pursuant to Local Rule LCR 7(d)(3), Plaintiffs' opposition  
3 brief was due on October 29, 2012. Local Rule LCR 7(b) explains, "If a party fails to file papers  
4 in opposition to a motion, such failure may be considered by the court as an admission that the  
5 motion has merit." LCR 7(b). Because Plaintiffs have not filed any opposition, the Court deems  
6 Plaintiffs' failure to be an admission the motion has merit. The motion for summary judgment is  
7 therefore GRANTED and Plaintiffs' action against Defendant Frederick J. Hanna & Associates,  
8 P.C. is DISMISSED with prejudice.

9 The clerk is ordered to provide copies of this order to Plaintiffs and to all counsel.

10 Dated this 19th day of December, 2012.

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13 Marsha J. Pechman  
14 United States District Judge