

**UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
CALIFORNIA**

Stephen D. Cook, II, et al. v. NewRez LLC, et al.

Cook v. NewRez · No. 2:25-cv-2361-DC-JDP (PS) · Decided December 2, 2025

OPINION

1 2 3 4 5 6 7 8 UNITED STATES DISTRICT COURT 9 FOR THE EASTERN DISTRICT OF
CALIFORNIA 10 11 STEPHEN D. COOK, II, et al., Case No. 2:25-cv-2361-DC-JDP (PS) 12
Plaintiffs, 13 v. ORDER TO SHOW CAUSE 14 NEWREZ LLC, et al., 15 Defendants. 16 17 On
October 21, 2025, defendants NewRez, LLC, Prestige Default Services, LLC, and 18 Ghidotti
Berger, LLP filed a motion to dismiss plaintiffs' complaint for failure to state a claim.

19 ECF No. 7. To date, plaintiffs have not responded to defendants' motion. 20 Under the court's
local rules, a responding party is required to file an opposition or 21 statement of non-opposition
to a motion no later than fourteen days after the date it was filed. 22 E.D. Cal. L.R. 230(c).

To manage its docket effectively, the court requires litigants to meet 23 certain deadlines. The
court may impose sanctions, including dismissing a case, for failure to 24 comply with its orders
or local rules. See Fed. R. Civ. P. 41(b); E.D. Cal. L.R. 110; Hells Canyon 25 Pres. Council v. U.S.
Forest Serv., 403 F.3d 683, 689 (9th Cir. 2005); Carey v. King, 856 F.2d 26 1439, 1440-41 (9th
Cir.

1988). Involuntary dismissal is a harsh penalty, but a district court has a 27 duty to administer
justice expeditiously and avoid needless burden for the parties. See 28 Pagtalunan v. Galaza, 291
F.3d 639, 642 (9th Cir. 2002); Fed. R. Civ. P. 1. 1 The court will give plaintiffs the opportunity to
explain why sanctions should not be 2 | imposed for failure to file an opposition or statement of
non-opposition to defendants' motion.

3 | Plaintiffs' failure to respond to this order will constitute a failure to comply with a court order
and 4 | will result in a recommendation that this action be dismissed. 5 Accordingly, it is hereby
ORDERED that: 6 1.

The December 4, 2025 hearing on defendants' motion to dismiss is continued to 7 | January 15,
2026, at 10:00 a.m. 8 2. By no later than December 18, 2025, plaintiffs shall file an opposition or
statement of 9 | non-opposition to defendants' motion. 10 3. Plaintiffs shall show cause, by no
later than December 18, 2025, why sanctions should 11 | not be imposed for failure to timely file
an opposition or statement of non-opposition to 12 | defendants' motion.

13 4. Defendants may file a reply to plaintiffs' opposition, if any, no later than January 8, 14 |
2026. 15 16 IT IS SO ORDERED. Dated: _ December 2, 2025 18 JEREMY D. PETERSON 19

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