

U.S. DISTRICT COURT FOR THE CENTRAL DISTRICT OF CALIFORNIA

Aaron Weiss et al. v. Rocket Mortgage, LLC et al.

Weiss v. Rocket Mortgage · No. CV 24-00401-MWF (PDx) · Decided September 24, 2025

SUMMARY

The Central District of California dismissed the action against Landmark Mortgage Capital, Inc. without prejudice for failure to prosecute after Plaintiffs failed to file a renewed motion for default judgment by the court-ordered deadline. Because the court had previously dismissed the claims against Rocket Mortgage, LLC, the order constituted entry of judgment against Plaintiffs as to all Defendants.

CASE DETAILS

COURT	U.S. District Court for the Central District of California
WRITING FOR THE COURT	Michael W. Fitzgerald
JURISDICTION	U.S. District Court for the Central District of California
DECIDED	September 24, 2025
DOCKET	CV 24-00401-MWF (PDx)
DISPOSITION	dismissed
PROCEDURAL POSTURE	The district court dismissed the action against Landmark Mortgage Capital, Inc. without prejudice after Plaintiffs failed to file a renewed motion for default judgment by the court-ordered deadline. Because the claims against Rocket Mortgage, LLC had previously been dismissed, the court directed entry of judgment as to all defendants.
PRECEDENTIAL VALUE	unpublished

TOPICS

- default judgment
- default
- civil procedure
- mortgages
- real estate

PRACTICE AREAS

- civil procedure
- consumer credit
- mortgage litigation

QUESTIONS PRESENTED

- Whether the action against Landmark Mortgage Capital, Inc. should be dismissed for failure to prosecute after Plaintiffs failed to file the required renewed motion for default judgment.

2. Whether the court should direct entry of judgment as to all defendants under Federal Rule of Civil Procedure 58 after the claims against Rocket Mortgage, LLC had previously been dismissed.

HOLDINGS

1. The action against Landmark Mortgage Capital, Inc. was dismissed without prejudice for lack of prosecution because Plaintiffs failed to file the renewed motion for default judgment by the court-ordered deadline after receiving notice of the consequence of noncompliance.
2. The order constituted notice of entry of judgment against Plaintiffs as to all defendants, and the Clerk was ordered to treat the order and its docket entry as an entry of judgment under Federal Rule of Civil Procedure 58 and Local Rule 58-6.

KEY QUOTATIONS

“Accordingly, the action against Defendant Landmark being dismissed for failure to prosecute.”

FACTUAL BACKGROUND

Plaintiffs Aaron and Rebecca Weiss sought default judgment and attorney's fees and costs against Landmark Mortgage Capital, Inc. The court denied their amended motion and required a renewed motion to be filed by September 15, 2025, warning that failure to comply would lead to dismissal for failure to prosecute. Plaintiffs had not filed the renewed motion as of September 24, 2025, and the claims against the other defendant, Rocket Mortgage, LLC, had already been dismissed.

PROCEDURAL HISTORY

On August 25, 2025, the court denied Plaintiffs' amended motion for default judgment and attorney's fees and costs against Landmark Mortgage Capital, Inc. The court warned that failure to file a renewed motion by September 15, 2025, would result in dismissal for failure to prosecute. Plaintiffs did not file the renewed motion, so the court dismissed the claims against Landmark without prejudice and ordered entry of judgment as to all defendants because the claims against Rocket Mortgage had already been dismissed.

DISPOSITION

dismissed

CASES CITED

- Link v. Wabash R.R. Co., 370 U.S. 626, 629–30 (1962)

OPINION

Aaron Weiss v. Rocket Mortgage, LLC

PER CURIAM.

CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES—GENERAL

Case No. CV 24-00401-MWF (PDx) Date: September 24, 2025 Title: Aaron Weiss et al. v. Rocket Mortgage, LLC et al. Present: The Honorable MICHAEL W. FITZGERALD, U.S. District Judge Deputy Clerk: Court Reporter: Rita Sanchez Not Reported Attorneys Present for Plaintiffs: Attorneys Present for Defendants: None Present None Present Proceedings (In Chambers): ORDER DISMISSING ACTION; ENTRY OF JUDGMENT

On August 25, 2025, the Court denied Plaintiffs Aaron and Rebecca Weiss's Amended Motion for Default Judgment and Attorney's Fees and Costs filed against Defendant Landmark Mortgage Capital, Inc. (See generally Docket No. 39). In that Order, the Court stated that a failure to file a renewed motion for default judgment by September 15, 2025, would result in the action against Defendant Landmark being dismissed for failure to prosecute. (See *id.* at 6). As of September 24, 2025, Plaintiffs have not filed a renewed motion for default judgment. Accordingly, the action against Defendant Landmark is DISMISSED without prejudice for lack of prosecution. See Fed. R. Civ. P. 41(b); *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629–30 (1962). IT IS SO ORDERED. As the Court previously dismissed the claims against Defendant Rocket Mortgage, LLC, (see Docket No. 34), the only other Defendant in this action, this Order constitutes notice of entry of judgment against Plaintiffs Aaron and Rebecca Weiss as to all Defendants, pursuant to Federal Rule of Civil Procedure 58. Pursuant to Local Rule 58-6, the Court ORDERS the Clerk to treat this Order, and its entry on the docket, as an entry of judgment.