

1 Delwyn Wallis
Post Office Box 279
2 Mi Wuk Village, California 95346
(209) 586-4065
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4 Rose Wallis
Post Office Box 279
5 Mi Wuk Village, California 95346
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6 Defendants In Pro Per
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8 **SUPERIOR COURT OF CALIFORNIA**
9 **COUNTY OF TUOLUMNE**

10
11 CHARLES P. VARVAYANIS,) Case No. SC 19352
12 Plaintiff,)
13 vs.) NOTICE OF NON-OPPOSITION TO
14) DEFENDANTS' MOTION TO
15 DELWYN WALLIS, an individual;)
16 ROSE MARIE WALLIS, an individual;) STRIKE COMPLAINT
17 ODD FELLOWS SIERRA RECREATION)
ASSOCIATION, INC.) DATE: July 15, 2016
18 Defendants.) TIME: 8:30 a.m.
DEPT: 5, Commissioner Pimentel
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19 DEFENDANTS DELWYN WALLIS AND ROSE WALLIS (collectively referred to herein as
20 "Defendants") HEREBY GIVE NOTICE TO ALL INTERESTED PARTIES AND THE COURT
21 THAT:

22 Defendants have not received any opposition to their *Motion to Strike Complaint as to Delwyn*
23 *Wallis, an Individual, and as to Rose Wallis, an Individual.*

24 On June 17, 2016, Defendants filed a *Motion to Strike Complaint as to Delwyn Wallis, an*
25 *Individual, and as to Rose Wallis, an Individual* (the "Motion") which is scheduled to be heard on July
26 15, 2016 at 8:30 a.m. in Department 5 of this court.

27 Pursuant to CCP § 1005(b), "All papers opposing a motion so noticed shall be filed with the
28 court and a copy served on each party at least nine court days, and all reply papers at least five court

1 days before the hearing." Furthermore, CCP § 1005(c) states:

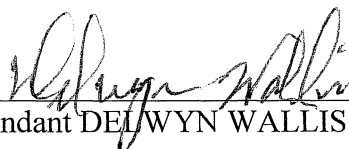
2 Notwithstanding any other provision of this section, all papers opposing a motion and all
3 reply papers shall be served by personal delivery, facsimile transmission, express mail, or
4 other means consistent with Sections 1010, 1011, 1012, and 1013, and reasonably
5 calculated to ensure delivery to the other party or parties not later than the close of the
6 next business day after the time the opposing papers or reply papers, as applicable, are
7 filed.

8 Furthermore, "Failure to oppose a motion that is duly noticed and brought on for hearing in [an]
9 action makes the motion itself an uncontested proceeding." (*Rooney v. Vermont Inv. Corp.* (1973) 10
11 Cal.3d 351, 367.)

12 With the hearing on the Motion scheduled to take place on July 15, 2016, any opposition to the
13 Motion should have been filed on or before July 1, 2016 [nine court days prior to the hearing pursuant
14 to CCP §1005(b)] and received by Defendants no later than July 5, 2016 [pursuant to CCP §1005(c)].

15 As set forth above, no opposition to the Motion has been served on Defendants as of July 12,
16 2016 which is the date of this notice. Accordingly, based on the absence of any opposition to the
17 Motion, Defendants request that the Court grant the Motion.

18 Dated: July 12, 2016

19 
20 Defendant DELWYN WALLIS, In Propria Persona

21 Dated: July 12, 2016

22 
23 Defendant ROSE WALLIS, In Propria Persona