**UNITED STATES DISTRICT COURT FOR THE**

**NORTHERN DISTRICT OF GEORIGA**

**ATLANTA DIVISION**

**Wekesa O. Madzimoyo,
Plaintiff,**

**v.**

 **THE BANK OF NEW YORK**

**MELLON TRUST COMPANY, NA., formerly known as The Bank of New
York Trust Company, N.A., JP MORGAN
CHASE BANK, NA, GMAC MORTGAGE, LLC , MCCURDY AND CANDLER, LLC
and ANTHONY DEMARLO, Attorney**

**CIVIL ACTION FILE**

**No. 1:09-CV-02355-CAP-GGB**

**}**

**}**

**}**

**}**

**}**

**}**

**}**

**}**

**}**

**Defendants**

**OPPOSITION TO DEFENDANT ANTHONY DEMARLO AND MCCURDY & CANDLER LLC’S NOTICE OF JOINDER IN THE REMAINING DEFENDANTS’ MOTION TO STRIKE AMENDED COMPLAINT.**

 Come now PLAINTIFF MADZIMOYO to show that DEFENDANTS ANTHONY DEMARLO AND MCCURDY & CANDLER LLC have filed their MOTION TO JOIN REMAINING DEFENDANTS’ MOTION TO STRIKE AMENDED COMPLAINT out of time.

 PLAINTIFF MADZIMOYO filed his AMENDED COMPLAINT on October 29, 2010. DEFENDANTS ANTHONY DEMARLO AND MCCURDY & CANDLER LLC filed their NOTICE of JOINDER on December 9, 2010.

 LR 7.1 A. (2) sets out specific filing times for motions. Motions not specifically set forth are to be filed WITHIN THIRTY (30) DAYS after the beginning of discovery unless the filing party has obtained prior permission of the court to file later.

 LR 7.1 B requires: Response to Motion. Any party opposing a motion shall serve the party's response, responsive memorandum, affidavits, and any other responsive material not later than fourteen (14) days after service of the motion, except that in cases of motion for summary judgment the time shall be twenty-one (21) days after the service of the motion.

Failure to file a response shall indicate that there is no opposition to the motion.

 Since DEFENDANTS ANTHONY DEMARLO AND MCCURDY & CANDLER LLC have not requested consent of the Plaintiff, nor have DEFENDANTS obtained prior permission from the Court to file out of time, PLAINTIFF MADZIMOYO moves the court to dismiss DEFENDANTS’ NOTICE OF JOINDER IN THE REMAINING DEFENDANTS’ MOTION TO STRIKE AMENDED COMPLAINT.

 Respectfully submitted this 20th day of December, 2010,

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Wekesa O. Madzimoyo

 Pro See Litigant

852 Brafferton Place

Stone Mountain, GA 30083

404-324-1310

**FONT VERIFICATION**

Pro se Litigant, Wekesa Madzimoyo, certifies that this document has been prepared with one of the font and point selections approved by the Court in Local Rule 5.1C, namely Times New Roman (14 point).

 \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

 Wekesa O. Madzimoyo

 Pro se Litigant

**CERTIFICATE OF SERVICE**

 I hereby certify that I have served the foregoing on the following by electronic mail or by placing a copy of the same in the United States mail, postage prepaid and properly addressed, this the 26th day of October, 2010 to:

Frank R. Olson, Esq.

McCurdy & Candler, LLC

P.O. Box 57

Decatur, GA 30031

404-373-1612

Kelly L. Atkinson

Counsel for Defendants

GMAC Mortgage LLC

JP Morgan Chase Bank

The Bank of New York Mellon Trust Company

Troutman Sanders LLP

5200 Bank of America Plaza

600 Peachtree Street, N.E,

Atlanta, GA 30308-2216

404-885-3000