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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

BLIZZARD ENTERTAINMENT, INC.,)	CV 09-7621 SVW (AJWx)
)	
Plaintiff,)	
)	ORDER GRANTING PLAINTIFF'S
v.)	MOTION TO SET ASIDE ORDER
)	DISMISSING ACTION [20]
ALYSON REEVES, D/B/A SCAPEGAMING;)	
and DOES 1 through 5 inclusive,)	
)	
Defendants.)	[JS-5]
_____)	

Plaintiff's Motion is suitable to a determination without oral argument. Fed. R. Civ. P. 78(b); Local Rule 7-15. The hearing scheduled for June 21, 2010 is VACATED.

On March 24, 2010, the Court issued an Order to Show Cause Why This Case Should Not Be Dismissed For Lack of Prosecution. [Docket no. 16.] On April 7, Plaintiff responded by stating that it "has been

1 diligently preparing a motion for default judgment and entry of a
2 permanent injunction." [Docket no. 17, at 1.] On April 8, the Court
3 vacated its Order to Show Cause and granted Plaintiff thirty days to
4 move for default judgment. [Docket no. 18.] On May 12, the Court
5 dismissed the action because Plaintiff had not filed a motion for
6 default judgment within the allotted time period. [Docket no. 19.] On
7 May 14, Plaintiff filed the instant Motion under Fed. R. Civ. P. 60(b)
8 to Set Aside the Court's May 12 Order Dismissing the Action. [Docket
9 no. 20.]

10 Under Local Rule 7-9, Defendant was required to file her
11 Opposition no later than June 1, 2010. Defendant, who has failed to
12 appear in this action despite being served with process [see Docket
13 nos. 10, 12], failed to file an Opposition by that deadline and has not
14 subsequently filed an Opposition.

15 Under the Local Rules, "[t]he failure to file any required paper,
16 or the failure to file it within the deadline, may be deemed consent to
17 the granting or denial of the motion." Local Rule 7-12; see also
18 Ghazali v. Moran, 46 F.3d 52 (9th Cir. 1995) (affirming trial court's
19 order granting a motion to dismiss on basis of non-opposition under
20 materially identical local rule).

21 Pursuant to Local Rule 7-12, Plaintiff's Motion is GRANTED. The
22 Court refrains from addressing the question of whether Plaintiff's
23 attorney's carelessness in calendaring a filing deadline constitutes
24 excusable neglect under Fed. R. Civ. P. 60(b).

25 Plaintiff is ORDERED to file a complete and final Motion for Entry
26 of Default Judgment within **two days** of the date that this Order is
27 entered on the docket. Failure to file within that time period will
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1 result in dismissal of the action **with prejudice** on account of
2 Plaintiff's repeated dilatory conduct.

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IT IS SO ORDERED.

DATED: June 17, 2010



STEPHEN V. WILSON
UNITED STATES DISTRICT JUDGE