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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

United States of America,	)	CV 10-4632 RSWL (PLAx)
Plaintiff,	)	
v.	)	<b>ORDER Re: Plaintiff's</b>
	)	<b>Motion for Default</b>
	)	<b>Judgment [12]</b>
Articles of drug as	)	
described in Attachment A	)	
of the Complaint,	)	
	)	
Defendants.	)	
	)	
	)	
	)	

Plaintiff United States of America filed its Motion for Default Judgment against Defendant Articles of drug as described in Attachment A of the Complaint ("Defendant Articles") on October 06, 2010 [12]. The matter was originally set for hearing on November 09, 2010. Having taken the matter under submission on November 05, 2010, and having reviewed all papers

1 submitted pertaining to this Motion, the Court **NOW**

2 **FINDS AND RULES AS FOLLOWS:**

3 Plaintiff's Motion for Default Judgment Against  
4 Defendant Articles is **GRANTED**. The Court hereby issues  
5 a Decree of Condemnation, Forfeiture, and Destruction  
6 against Defendant Articles.

7 The Court finds that the Government seized  
8 Defendant Articles on July 22, 2010, pursuant to a  
9 warrant issued by this Court. The Court further finds  
10 that no person having interest in Defendant Articles  
11 has appeared as claimant to file a responsive pleading  
12 or otherwise defend in this Action within the time  
13 permitted by law. On October 05, 2010, the Court Clerk  
14 entered default against Defendant Articles of drug and  
15 all persons and entities having any right, title, or  
16 interest in the Defendant Articles, including Keystone  
17 Pharmaceuticals, Inc. [11].

18 With regard to entry of default judgment pursuant  
19 to Local Rule 55, Plaintiff has met all procedural  
20 requirements. Furthermore, based on a balancing of the  
21 Eitel v. McCool factors, Plaintiff has met the  
22 substantive requirements. 782 F.2d 1470, 1471-72 (9th  
23 Cir. 1986). Therefore, because Plaintiff has met all  
24 procedural and substantive requirements, Plaintiff's  
25 Motion for Default Judgment is **GRANTED**.

26 As to the Decree of Condemnation, Forfeiture, and  
27 Destruction, the Court finds that Defendant Articles  
28 are adulterated or misbranded pursuant to 21 U.S.C.

1 334(a)(1), and thus, may be destroyed pursuant to 21  
2 U.S.C. 334(d)(1). Accordingly, this Court hereby issues  
3 a Decree of Condemnation, Forfeiture, and Destruction  
4 against Defendant Articles of drug as described in  
5 Attachment A of the Complaint.

6  
7 DATED: November 16, 2010

8 **IT IS SO ORDERED.**

9  
10 RONALD S.W. LEW

11 **HONORABLE RONALD S.W. LEW**

12 Senior, U.S. District Court Judge  
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