

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

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Case No.	2:14-cv-05616-CAS(SSx)	Date	July 28, 2016
Title	FRANK DUFOUR V. ROBERT ALLEN, ET AL.		

Present: The Honorable	CHRISTINA A. SNYDER	
Catherine Jeang	Not Present	N/A
Deputy Clerk	Court Reporter / Recorder	Tape No.
Attorneys Present for Plaintiffs:	Attorneys Present for Defendants:	
Not Present	Not Present	

Proceedings: (IN CHAMBERS) - SECOND REQUEST FOR DEFAULT JUDGMENT AGAINST DEFENDANT GIDDENS & GIDDENS (Dkt. 253, filed June 23, 2016)

SECOND REQUEST FOR DEFAULT JUDGMENT AGAINST DEFENDANT CHARLIE PAYNE (Dkt. 254, filed June 23, 2016)

On June 23, 2016, plaintiff Frank Dufour filed two requests for default judgment against defendants Charlie Payne (“Payne”) and Giddens & Giddens (“Giddens”). Dkt. 253, 254.¹ Plaintiff requests that the Court enter a judgment in his favor against these defendants in the amount of \$3,565,493.57. Nonetheless, the Court finds that plaintiff has failed to set forth a sufficient basis for the Court to enter a default judgment in his favor.

The Ninth Circuit has directed that courts consider the following factors in deciding whether to enter default judgment: (1) the possibility of prejudice to plaintiff; (2) the merits of plaintiff’s substantive claims; (3) the sufficiency of the complaint; (4) the sum of money at stake in the action; (5) the possibility of a dispute concerning the material facts; (6) whether defendant’s default was the product of excusable neglect; and (7) the strong policy favoring decisions on the merits. *See Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986). Here, in his motions for default judgment, plaintiff does not address any of these factors. Most significantly, plaintiff makes no attempt to explain the merits of his substantive claims or how the allegations in his operative complaint are

¹ The Court finds this motion appropriate for decision without oral argument. *See* Fed. R. Civ. P. 78; C.D. Cal. Local Rule 7-15. Accordingly, the hearing date of August 1, 2016, is vacated, and the matter is hereby taken under submission.

