

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

EL SOBRANTE DEVELOPMENT, L.L.C, et al.,)	1: 08-CV-0455 AWI DLB
Plaintiff,)	ORDER DISCHARGING ORDER TO
v.)	SHOW CAUSE
NATIONAL ASSURANCE GROUP, INC., et al.,)	
Defendants.)	

On April 7, 2010, the Court ordered Plaintiff to show cause by April 21, 2010, why the case should not be dismissed for lack of prosecution. See Court’s Docket Doc. No. 75. On April 16, 2010, Plaintiff filed a motion for entry of default. See id. at Doc. Nos. 77-81. On the same day, Plaintiff also responded to the order to show cause and requested that the case not be dismissed due to attorney neglect. Plaintiff’s counsel explained that there was a miscommunication between himself and his assistant, and counsel believed that a motion for entry of default had already been filed.

The Court will not dismiss the case at this time. The remaining defendant, Andrew Geiss, has not participated in this case at any time. The Clerk made an entry of default against Geiss on October 30, 2008. See id. at Doc. No. 43. Plaintiff’s counsel has explained his error. Importantly, Plaintiff has now filed its motion for default judgment, and the case is again moving forward. For all of these reasons, the Court will not dismiss the case at this time.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

Accordingly, IT IS HEREBY ORDERED that the Court's April 7, 2010, order to show cause is DISCHARGED.

IT IS SO ORDERED.

Dated: April 19, 2010

/s/ Anthony W. Ishii
CHIEF UNITED STATES DISTRICT JUDGE