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**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 ON PLAINTIFFS' MOTION FOR APPROVAL OF GOOD FAITH SETTLEMENT
v.)	
NATIONAL ASSURANCE GROUP, INC., et al.,)	(Doc. Nos. 78, 89)
Defendants.)	

On August 11, 2010, the Magistrate Judge issued [Findings and Recommendations](#) that Plaintiffs' Motion for Default Judgment and Attorneys' Fees be DENIED. These Findings and Recommendations were served on all parties appearing in the action and contained notice that any objections were to be filed within fifteen (15) days after service of the order. No objections were filed.

In accordance with the provisions of 28 U.S.C. § 636 (b)(1)(C), this Court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the Court concludes that the Magistrate Judge's Findings and Recommendations are supported by the record and proper analysis.

However, the Court will modify the Findings and Recommendations in one respect. The Findings and Recommendations recommend granting Plaintiff thirty days to file an amended

1 complaint. This case has been pending since March 2008, and the claims against all defendants,
2 save for Geiss, have been resolved since November 2009. Further, the Court had to issue an
3 order in April 2010 to show cause why the case should not be dismissed against Geiss due to
4 non-prosecution. See Court's Docket Doc. No. 75. In light of these considerations, Plaintiff
5 will be given fourteen (14) days in which to file an amended complaint.

6
7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The Findings and Recommendations issued August 11, 2010, are ADOPTED IN
9 FULL, except for the time in which to file an amended complaint;
- 10 2. Plaintiffs' Motion for Default Judgment is DENIED;
- 11 3. Plaintiffs' Motion for Attorneys' Fees is DENIED;
- 12 4. Plaintiffs may amend their complaint with regard to Defendant Geiss,
13 incorporating no new causes of action, within fourteen (14) days from the date of
14 this order; and
- 15 5. If Plaintiffs fail to amend the complaint with regard to Defendant Geiss within
16 fourteen (14) days from the date of this order, the Court will dismiss Defendant
17 Geiss from the action and close the case.

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19 IT IS SO ORDERED.

20 Dated: September 2, 2010

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23 CHIEF UNITED STATES DISTRICT JUDGE
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