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

JESSICA HARTUNG,)	1:08-cv-00960 AWI GSA
)	
)	
Plaintiff,)	ORDER VACATING DEFAULT
)	
vs.)	ORDER GRANTING
)	WITHDRAWAL OF MOTION
)	FOR DEFAULT JUDGMENT
)	
J.D. BYRIDER, INC., JD BYRIDER)	
OF CHANDLER; CARNOW)	(Docs. 50, 58, and 66)
ACCEPTANCE COMPANY; JOHN)	
ANDERSON; and T-MOBILE USA)	
INC and DOES 1 through 10 inclusive,)	
)	
Defendants.)	

Plaintiff Jessica Hartung (“Plaintiff”) filed a Motion for Default Judgment against Defendant John Anderson, aka John Edens, on November 14, 2008. (Doc. 58). On January 14, 2009, this court issued an order addressing concerns regarding whether Defendant Anderson was properly served with the Complaint and whether proper notice of the amount of damages was given.

In response, Plaintiff filed a Motion to Vacate Default and a Motion to Withdraw the Motion for Default Judgment. (Doc. 66). In light of the issues regarding service, Plaintiff’s motions shall be GRANTED.

Accordingly, IT IS HEREBY ORDERED that :

1) Plaintiff's Motion to Vacate Default is GRANTED. (Doc. 66). The default issued on October 1, 2008 is hereby VACATED (Doc. 50);

2) Plaintiff's Motion for Default Judgment is deemed withdrawn (Docs. 66 and 58);

3) Plaintiff shall file proof that Defendant Anderson was properly served with the Summons, Complaint, and Statement/Notice of Damages no later than **February 28, 2009**.

IT IS SO ORDERED.

Dated: January 26, 2009

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE