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

9 JESSICA HARTUNG,) 1:08-cv-00960 AWI GSA
10 Plaintiff,) ORDER VACATING DEFAULT
11) ORDER GRANTING
12 vs.) WITHDRAWAL OF MOTION
13) FOR DEFAULT JUDGMENT
14 J.D. BYRIDER, INC., JD BYRIDER)
15 OF CHANDLER; CARNOW) (Docs. 50, 58, and 66)
16 ACCEPTANCE COMPANY; JOHN)
17 ANDERSON; and T-MOBILE USA)
18 INC and DOES 1 through 10 inclusive,
19
20 Defendants.)

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

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

1 Accordingly, IT IS HEREBY ORDERED that :

2 1) Plaintiff's Motion to Vacate Default is GRANTED. (Doc. 66). The default issued on
3 October 1, 2008 is hereby VACATED (Doc. 50);
4 2) Plaintiff's Motion for Default Judgment is deemed withdrawn (Docs. 66 and 58);
5 3) Plaintiff shall file proof that Defendant Anderson was properly served with the Summons,
6 Complaint, and Statement/Notice of Damages no later than **February 28, 2009**.
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9 IT IS SO ORDERED.

10 Dated: January 26, 2009

11 /s/ Gary S. Austin
12 UNITED STATES MAGISTRATE JUDGE
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