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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

VINCENT SIPE,

Plaintiff,

v.

COUNTRYWIDE BANK; SIERRA PACIFIC
MORTGAGE COMPANY, INC.; BANK OF
MADERA COUNTY; COUNTRYWIDE DOCUMENT
CUSTODY SERVICES, A DIVISION OF
TREASURY BANK N.A.; MORTGAGE
ELECTRONIC REGISTRATION SYSTEM,
INC.; FINANCIAL ADVANTAGE, INC.;
JOHN NORBERG; CAROL DESILVA; and
DOES 1-20, inclusive,

Defendants.

1:09-CV-00798-OWW-JLT

ORDER DENYING PLAINTIFF'S
APPLICATION FOR DEFAULT
JUDGMENT

(Doc. 75)

I. INTRODUCTION

Before the court is Plaintiff Vincent Sipe's ("Plaintiff")
Application for Default Judgment. For the reasons set forth below,
Plaintiff's Application for Default Judgment is DENIED.

II. DISCUSSION

A scheduling conference was held on November 18, 2010, attended
only by Plaintiff's counsel; Defendants did not appear. Based on
Plaintiff's representations, the Order After Scheduling Conference
dated November 23, 2010 stated that: (1) Plaintiff intended to
dismiss the two individual Defendants, John Norberg ("Norberg") and
Carol DeSilva ("DeSilva"), and pursue them in an alternative forum;
and (2) Plaintiff intended to present evidence at a prove up hearing

1 against Defendant Sierra Pacific Mortgage ("SPM"). Doc. 67.

2 The prove up hearing against SPM was held on April 18, 2011,
3 without notice to, or appearance by, SPM or any Defendant. At that
4 time, the court did not realize that default judgment had not been
5 entered against SPM. Rather, Plaintiff's claims against SPM had been
6 dismissed without leave to amend on July 30, 2010. Doc. 56. At the
7 hearing, the court requested documentation proving Plaintiff's
8 entitlement to default judgment.
9

10 Plaintiff filed an Application for Default Judgment on August 1,
11 2011. Doc. 75. The Application for Default Judgment: (1) does not
12 mention SPM; (2) requests default judgment against Norbert (against
13 whom default judgment had been entered, Doc. 62); but (3)
14 substantively only contains evidence concerning DeSilva (against whom
15 Plaintiff's request for entry of default was declined, Doc. 63). The
16 Application for Default Judgment is a wholly insufficient basis for
17 entry of default judgment against any Defendant. In addition, there
18 is no evidence that notice of Plaintiff's Application for Default
19 Judgment was served on any Defendant.
20

21 III. CONCLUSION

22 For the reasons stated:

- 23 1. Plaintiff's Application for Default Judgment is DENIED.
- 24 2. If Plaintiff intends to pursue default judgment against any
25 remaining Defendant, he must submit any motion for default
26 judgment within thirty (30) days of electronic service of this
27

