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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

S.A., a minor by and through his parents, L.A. and M.A.,)	1:09-cv-00834 AWI GSA
)	
Plaintiffs,)	ORDER VACATING HEARINGS ON
)	APPLICATION FOR DEFAULT JUDGMENT
v.)	AND MOTION TO SET ASIDE DEFAULT
)	
)	ORDER DIRECTING DEFENDANT TO FILE
)	ITS ANSWER TO THE COMPLAINT
EXETER UNION SCHOOL DISTRICT,)	
)	(Docs. 15 & 16)
Defendant.)	

On June 17, 2009, the Clerk entered default judgment as to Exeter Union School District. (Doc. 10.) On July 15, 2009, Plaintiffs filed a Motion for Default Judgment. (Doc. 15.) On July 24, 2009, Defendant filed a Motion to Set Aside Default. (Doc. 16.) Thereafter, on July 29, 2009, Plaintiffs filed a Statement of Non-Opposition and Response to Defendant’s Motion to Set Aside Default, expressly withdrawing the Motion for Default Judgment. (Doc. 17.) All motions were scheduled to be heard on August 28, 2009.

Given Plaintiffs’ non-opposition to set aside the default, and the withdrawal of the motion for default judgment, the pending motions are moot and the Court will vacate all related hearings.

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1 Notably, in his statement of non-opposition, Plaintiffs' counsel references "another
2 matter" before this Court involving counsel for Defendant in the instant action and the Tulare
3 County Office of Education, defendant in the other matter. This Court's docket in case number
4 1:08-cv-01215-LJO-GSA appears to involve the same Plaintiffs, to wit: S.A., L.A. and M.A.
5 Plaintiffs' counsel is reminded of his obligation to notify the Court of related cases pursuant to
6 Local Rule 83-123.

7 Thus, in light of the foregoing, IT IS HEREBY ORDERED that:

- 8 1. The hearings set for August 28, 2009, on Plaintiffs' Motion for Entry of Default
9 Judgment *and* Defendant's Motion to Set Aside Default are VACATED;
- 10 2. Defendant shall file its answer to the complaint within twenty (20) days of the
11 date of service of this order;
- 12 3. Plaintiffs' counsel shall review his obligation pursuant to Local Rule 83-123, and
13 shall take all appropriate action within ten (10) days of the date of service of this
14 order.

15
16 IT IS SO ORDERED.

17 **Dated: August 4, 2009**

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE