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

UNITED STATES for the use of HAJOCA )  
CORPORATION, )  
 )  
Plaintiff, )  
 )  
vs. )  
 )  
AEROPLATE CORPORATION, MARY )  
WILLIAMS and RONALD D. )  
PATTERSON )  
 )  
Defendant. )  
\_\_\_\_\_ )

1: 12-cv-1287-AWI-BAM

ORDER TO FILE SUPPLEMENTAL  
BRIEFING

On March 15, 2013, Plaintiff United States for the use of Hajoca Corporation (“Plaintiff”) filed a motion for default judgment against Aeroplate Corporation, Mary Williams, and Ronald D. Patterson (“Defendants”) (Doc. 28). Having considered Plaintiff’s motion for default judgement (Docs. 28, 31) and accompanying submissions, the Court hereby orders that supplemental briefing and evidence be provided as follows.

The Court determines that in its supplemental briefing, Plaintiff must address the following deficiencies:

- 1. Plaintiff did not include a memorandum of points and authorities explaining its entitlement to default judgment pursuant to the factors enumerated in the Ninth Circuit’s

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decision in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986);

- 2. Plaintiff did not brief the issue of this Court’s subject matter jurisdiction pursuant to the Miller Act and whether and why the Miller Act applies to Plaintiff’s claims;
- 3. Plaintiff did not brief how it arrived at its final calculations or whether Plaintiff is entitled to prejudgment interest. Further, the Court notes, Plaintiff’s first motion for default judgment alleges Defendants owe \$66,991.26 (Doc. 29), but in further submissions Plaintiff argues that a total of \$72,710.14 is owed. (Doc. 31). Plaintiff is instructed to clarify its request;
- 4. Plaintiff must also include a copy of the written contract/credit agreement designated as Exhibit 1 in the Declaration of Joy Banks. (*See* Doc. 29-1). While Plaintiff frequently references the Agreement, no documents are included in the Docket Entry labeled Exhibit 1. *See Id.*

Accordingly, Plaintiff is directed to submit to the Court any and all evidence establishing that Plaintiff is entitled to default judgment as listed above. Plaintiff shall file such evidence and accompanying briefing no later than **May 28, 2013**.

IT IS SO ORDERED.

**Dated: May 13, 2013**

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE