

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

SANDRA GARYBO, et al,)	Case No.: 1:15-cv-01487 DAD JLT
)	
Plaintiffs,)	ORDER DIRECTING PLAINTIFFS TO FILE
v.)	BRIEFING IN SUPPORT OF THEIR MOTION
)	FOR DEFAULT JUDGMENT AND VACATING
LEONARDO BROS., et al.,)	THE HEARING SET FOR AUGUST 5, 2019
)	
Defendants.)	(Doc. 69)
)	

On June 28, 2019, Plaintiffs filed an “application for default judgment against Defendant Leonard Bros.,” indicating they would present an application for default judgment at a hearing set for August 5, 2019. (Doc. 69) With the “application”—which appears to be a notice of hearing rather than a motion—Plaintiffs did not submit points and authorities related to the propriety of default judgment under Rule 55 of the Federal Rules of Civil Procedure.

Pursuant to Local Rule 230(b), a “moving party shall file a notice of motion, *motion*, *accompanying briefs*, affidavits, if appropriate, *and copies of all documentary evidence* that the moving party intends to submit in support of the motion.” (*Id.*, emphasis added) Thus, Plaintiffs are directed to file briefing in support of their application for default judgment, addressing the factors set forth by the Ninth Circuit in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986), to demonstrate the propriety of default judgment.

In addition, Plaintiffs shall file evidence related to the costs and attorney fees incurred, to

1 support the requested amounts. In general, the party seeking fees bears the burden of establishing that
2 the fees and costs were reasonably necessary to achieve the results obtained. *See Fischer v. SJB-P.D.,*
3 *Inc.*, 214 F.3d 1115, 1119 (9th 2000). Therefore, a fee applicant must provide time records
4 documenting the tasks completed and the amount of time spent on the action. *Hensley v. Eckerhart*,
5 461 U.S. 424, 424 (1983); *Welch v. Metropolitan Life Ins. Co.*, 480 F.3d 942, 945-46 (9th Cir. 2007).
6 Without such information, the Court is unable to determine the propriety of a fee request.

7 Accordingly, the Court **ORDERS**:

- 8 1. Plaintiffs **SHALL** file briefing in support of their application for default judgment no
9 later than **August 5, 2019**;
- 10 2. Any documentary evidence to support the requests for fees and costs **SHALL** be filed
11 no later than **August 5, 2019**; and
- 12 3. The hearing set for August 5, 2019 is **VACATED**.

13 The Court will re-set the matter for hearing if deemed necessary upon the receipt of Plaintiffs'
14 brief and documentary evidence.

15
16 IT IS SO ORDERED.

17 Dated: July 28, 2019

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE