

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

BMO HARRIS BANK N.A.,  
  
Plaintiff,  
  
v.  
  
CHARAN SINGH,  
  
Defendant.

Case No. 1:16-cv-00482-DAD-SAB  
  
ORDER MOVING HEARING ON  
PLAINTIFF’S AMENDED MOTION FOR  
DEFAULT JUDGMENT TO SEPTEMBER  
20, 2016, AT 10:00 A.M.  
  
ORDER TERMINATING APRIL 15, 2016  
(ECF No. 14) AND APRIL 16, 2016 (ECF  
No. 15) MOTIONS FOR DEFAULT  
JUDGMENT BECAUSE OF FILING OF  
AMENDED MOTION FOR DEFAULT  
JUDGMENT (ECF No. 16)

On April 6, 2016, Plaintiff BMO Harris Bank N.A. filed a complaint against Defendant Charan Singh. (ECF No. 1.) On June 3, 2016, the clerk entered default against Defendant. (ECF No. 9.) On August 15, 2016, Plaintiff filed a motion for default judgment against Defendant, and in the attached notice of motion set the hearing for September 19, 2016, at 10:00 a.m. before the undersigned. (ECF No. 14.) However, Plaintiff wrote in its docket entry that the hearing was set for September 9, 2016, at 10:00 a.m. before District Judge Dale A. Drozd. On August 16, 2016, Plaintiff filed a notice of motion for default judgment against Defendant, which was identical to the notice of motion that was filed on August 15, 2016, which set the hearing for September 19, 2016, at 10:00 a.m. before the undersigned. (ECF No. 15.) However, Plaintiff wrote in its docket entry that the notice of motion and motion for entry of default judgment was set for September 19, 2016, at 10:00 a.m. before District Judge Dale A. Drozd.

1 On August 16, 2016, Plaintiff filed an amended notice of motion and motion for default  
2 judgment. (ECF No. 16.) The amended notice of motion set the hearing for September 21,  
3 2016, at 10:00 a.m. before the undersigned. (ECF No. 16.) The substance of Plaintiff's amended  
4 motion for default judgment and the attachments (ECF No. 16) are identical to the substance of  
5 Plaintiff's August 15, 2016 motion for default judgment and those attachments (ECF No. 14.)  
6 The notices of motions for default judgment (ECF Nos. 14, 15, 16) are substantively identical  
7 except for changing the date of the hearing and the judge that the hearing was set before.

8 Plaintiff's August 15, 2016 and August 16, 2016 motions for default judgment (ECF Nos.  
9 14 & 15) are terminated because of the filing of the August 16, 2016 amended motion for default  
10 judgment (ECF No. 16). Due to the conflicts in the Court's calendar, the hearing on Plaintiff's  
11 amended motion for default judgment is moved to September 20, 2016, at 10:00 a.m. in  
12 Courtroom 9 before the undersigned.

13 Accordingly, IT IS HEREBY ORDERED that:

- 14 1. The hearing on Plaintiff's amended motion for default judgment (ECF No. 16) set  
15 for September 21, 2016, at 10:00 a.m. is advanced to September 20, 2016, at  
16 10:00 a.m. in Courtroom 9 before the undersigned;
- 17 2. Plaintiff's August 15, 2016 motion for default judgment (ECF No. 14) and August  
18 16, 2016 motion for default judgment (ECF No. 15) are terminated; and
- 19 3. Plaintiff shall serve a copy of this order on Defendant and thereafter file a  
20 certification of service with the Clerk of the Court.

21 IT IS SO ORDERED.

22 Dated: August 30, 2016

23   
24 \_\_\_\_\_  
25 UNITED STATES MAGISTRATE JUDGE  
26  
27  
28