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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

NATIONAL CONTINENTAL INSURANCE
COMPANY,

Plaintiff,

v.

YOUNG’S CARGO, INC., *et al.*,

Defendants.

Case No. 1:17-cv-01016-LJO-EPG

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS, GRANTING
DEFENDANTS’ MOTIONS TO SET ASIDE
DEFAULT AND DENYING PLAINTIFF’S
MOTION FOR DEFAULT JUDGMENT AS
MOOT

(Doc. Nos. 12, 15, 16, 22)

ORDER DIRECTING DEFENDANTS
YOUNG’S CARGO, INC. AND KULWANT
SINGH D/B/A YOUNGS FREIGHTWAY TO
FILE AN ANSWER TO THE COMPLAINT

National Continental Insurance Company (“Plaintiff”) commenced this action by the filing of a Complaint on July 31, 2017. (Doc. No. 1). On November 1, 2017, the Clerk of the Court entered the default of Young’s Cargo, Inc. and Kulwant Singh d/b/a Youngs Freightway (“Defendants”). (Doc. No. 10). On January 8, 2018, Plaintiff filed a motion for default judgment against Defendants. (Doc. No. 12). On February 16, 2018, Defendants filed motions to set aside entry of default. (Doc. Nos. 15, 16). The matter was referred to United States Magistrate Judge Erica P. Grosjean pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On April 30, 2018, the Magistrate Judge issued findings and recommendations recommending that Defendants’ motions to set aside entry of default be granted, and Plaintiff’s

1 motion for default judgment be denied. (Doc. No. 22). The findings and recommendations were
2 served on all parties, and contained notice that any objections were to be filed within fourteen
3 (14) days. *Id.* The fourteen-day period has expired, and no party has filed objections.

4 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this Court has conducted
5 a *de novo* review of this case. Having carefully reviewed the entire file, the Court finds that the
6 findings and recommendations are supported by the record and by proper analysis.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The findings and recommendations filed April 30, 2018, (Doc. No. 22) are
9 ADOPTED in full;
- 10 2. Defendants’ motions to set aside default judgment (Doc. Nos. 15, 16) are
11 GRANTED;
- 12 3. Plaintiff’s motion for default judgment (Doc. No. 12) is denied as moot; and
- 13 4. Defendants Young's Cargo, Inc. and Kulwant Singh are DIRECTED to file an
14 answer to the Complaint within thirty (30) days of the date of service of this
15 Order.

16 IT IS SO ORDERED.

17 Dated: May 21, 2018

18 /s/ Lawrence J. O’Neill
19 UNITED STATES CHIEF DISTRICT JUDGE