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

NORTH AMERICAN SPECIALTY
INSURANCE COMPANY,

Plaintiff,

No. CIV S-09-2061 GEB EFB

vs.

JOSEPH C. CAMPBELL, individually
and also known as JOE CAMPBELL, and
JOSEPH CHARLES CAMPBELL, and
dba JC SHOW HORSES; JC SHOW
HORSES, LLC; and DEBORAH SAUERS,
individually,

Defendants.

ORDER

_____ /
This case was referred to the undersigned pursuant to Eastern District of California Local Rule (“Local Rule”) 302(c)(19) and 28 U.S.C. § 636(b)(1) for hearing on plaintiff’s motion for entry of default judgment against defendants Joseph Campbell and JC Show Horses LLC (“defendants”). The motion for default judgment was scheduled for hearing on November 25, 2009; however, because defendants did not file an opposition to the motion for default judgment and had not otherwise appeared in this action, on November 24, 2009, the undersigned submitted

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1 the matter without oral argument pursuant to Local Rule 230.¹ Dckt. No. 44.

2 However, on the date of the scheduled hearing, November 25, 2009, Campbell appeared
3 for oral argument and spoke with the undersigned’s courtroom deputy clerk. That same day,
4 Campbell filed a document entitled “answer,” in which Campbell denies the allegations in
5 plaintiff’s complaint, contends that he was not properly served with the summons, and asserts
6 that since he learned of the summons, he has been attempting to retain an attorney to represent
7 him in this action. Dckt. No. 46. He also requests time to raise the “balance of the funds
8 necessary to retain [counsel]” but does not indicate how much time he would need to do so. *Id.*
9 Defendant JC Show Horses, LLC still has not appeared in this action.

10 In light of Campbell’s November 25, 2009 filing, plaintiff’s motion for default judgment
11 against Campbell and JC Show Horses, LLC will be rescheduled for hearing on January 27,
12 2010. On or before January 6, 2010, Campbell and/or JC Show Horses, LLC shall file an
13 opposition or a statement of non-opposition to plaintiff’s motion and/or shall file a request that
14 the court set aside the Clerk’s August 26, 2009 entry of default. *See* Fed. R. Civ. P. 55(c). If
15 Campbell and/or JC Show Horses, LLC requests that the court set aside the Clerk’s entry of
16 default judgment, that request shall also be noticed for hearing on January 27, 2010.

17 On or before January 13, 2010, plaintiff shall file a response to any opposition and/or any
18 request to set aside default filed by Campbell and/or JC Show Horses, LLC, and shall indicate
19 the effect of Campbell’s November 25, 2009 filing and any subsequent filing(s) by Campbell
20 and/or JC Show Horses, LLC on plaintiff’s motion for default judgment. If Campbell and/or JC
21 Show Horses, LLC files a request to set aside the Clerk’s entry of default, Campbell and/or JC
22 Show Horses, LLC may file a reply to plaintiff’s opposition thereto on or before January 20,
23 2010.

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26 ¹ Effective December 1, 2009, Local Rule 78-230 was renumbered as Local Rule 230.

1 Accordingly, it is HEREBY ORDERED that:

2 1. Plaintiff's motion for entry of default judgment, Dckt. No. 23, is rescheduled for
3 hearing on January 27, 2010 at 10:00 a.m. before the undersigned.

4 2. On or before January 6, 2010, Campbell and/or JC Show Horses, LLC shall file an
5 opposition or a statement of non-opposition to plaintiff's motion and/or shall file a request that
6 the court set aside the Clerk's August 26, 2009 entry of default.

7 3. On or before January 13, 2010, plaintiff shall file a response to any opposition and/or
8 any request to set aside default filed by Campbell and/or JC Show Horses, LLC, and shall
9 indicate the effect of Campbell's November 25, 2009 filing and any subsequent filing(s) by
10 Campbell and/or JC Show Horses, LLC on plaintiff's motion for default judgment.

11 4. If Campbell and/or JC Show Horses, LLC files a request to set aside the Clerk's entry
12 of default, Campbell and/or JC Show Horses, LLC may file a reply to plaintiff's opposition
13 thereto on or before January 20, 2010.

14 5. If Campbell and/or JC Show Horses, LLC fails to comply with this order, the January
15 27, 2010 hearing may be vacated and default judgment may be entered against Campbell and/or
16 JC Show Horses, LLC.

17 6. The Clerk is directed to serve a copy of this order on defendants Campbell and JC
18 Show Horses, LLC at the following address: 15151 E. Tokay Colony Road, Lodi, California
19 95240.²

20 DATED: December 3, 2009.

21 
22 EDMUND F. BRENNAN
23 UNITED STATES MAGISTRATE JUDGE
24
25

26 _____
² Although defendant JC Show Horses, LLC has not appeared in this action or provided the court with its proper address, plaintiff alleges that Campbell is JC Show Horses, LLC's sole representative and agent. Dckt. No. 24 at 5.