

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

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

RONALD WILKINSON,

Plaintiff,

No. CIV 09-3386 GEB KJM

vs.

M. CALLAGHAN & ASSOC., LLC,

Defendant.

ORDER

_____ /

Plaintiff’s motion for default judgment was submitted on the papers. Upon review of the documents in support, no opposition having been filed, and good cause appearing therefor, THE COURT FINDS AS FOLLOWS:

Although the complaint in the caption states defendant’s name as “M. Callaghan & Assoc., LLC,” summons in this matter was issued as to “M. Callahan & Associates.” Docket nos. 1, 3. The summons was served on an entity described in the proof of service as “M. Callahan & Associates, LLC.” Docket no. 5. Default was entered against “M. Callahan & Associates, LLC.” Docket no. 9. Under these circumstances, plaintiff’s request for entry of default judgment against defendant as “M. Callaghan & Assoc., LLC” must be denied without prejudice.

////

1 If plaintiff renews the motion, proper service must be made with a correctly
2 amended summons. See Federal Rule of Civil Procedure 4(a). In any renewed motion, plaintiff
3 must set forth case authority for its claim of \$500.00 for anticipated collection costs. See 15
4 U.S.C. § 1692k(a)(3); cf. Gervais v. O'Connell, Harris & Assoc., Inc., 297 F.Supp.2d 435, 440
5 n.1 (D. Conn. 2003) (court declined to allow anticipated collection costs).

6 Accordingly, IT IS HEREBY ORDERED that plaintiff's motion for default
7 judgment (docket no. 16) is denied without prejudice.

8 DATED: July 21, 2010.

9
10 
11 U.S. MAGISTRATE JUDGE
12
13
14
15
16
17
18
19
20
21
22
23
24
25