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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

BROADCAST MUSIC, INC., et al.,
Plaintiffs,
v.
MP RESTAURANTS, INC., et al.,
Defendants.

No. 2:13-cv-0420 KJM DAD

ORDER

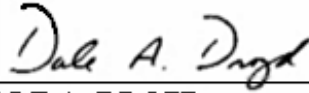
On September 27, 2013, plaintiffs filed a motion for default judgment and set the matter for hearing before the undersigned on December 6, 2013, pursuant to Local Rule 302(c)(19). (Dkt. No. 15.) That same day, however, the defaulting defendants filed a motion to set aside the June 12, 2013 Clerk’s Entry of Default. (Dkt. No. 16.) Defendants’ motion to set aside default was submitted to the assigned District Judge on November 8, 2013. (Dkt. No. 25.)

The resolution of plaintiffs’ pending motion for default judgment is dependent upon the resolution of defendants’ pending motion to set aside default. In this regard, the undersigned cannot now evaluate the merits of plaintiffs’ motion for default judgment. Plaintiffs’ motion for default judgment, therefore, will be denied without prejudice to its renewal if appropriate. In the event the assigned District Judge denies defendants’ motion to set aside default, plaintiffs may re-notice their motion for default judgment for hearing before the undersigned.

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Accordingly, IT IS ORDERED that plaintiffs' September 27, 2013 motion for default judgment (Dkt. No. 15) is denied without prejudice.

Dated: December 3, 2013



DALE A. DROZD
UNITED STATES MAGISTRATE JUDGE

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