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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

PATRICIA BAILEY WHITE,
Plaintiff,
v.
HUGH BROMMA, et al.,
Defendants.

No. 2:13-cv-0487 JAM CKD

ORDER

Pending before the court are motions for default judgment brought on behalf of plaintiff Mark Moran (ECF No. 51) and plaintiff Patricia Bailey White (ECF No. 52). Plaintiff Mark Moran was terminated from this case pursuant to the second amended complaint filed October 11, 2013 (ECF No. 33) and accordingly entry of default judgment in favor of this plaintiff is inappropriate.

The second amended complaint alleges claims under California’s Elder Abuse and Dependent Adult Civil Protection Act, Welfare and Institutions Code § 15600 *et seq.* and civil RICO, 18 U.S.C. § 1962(c). The memorandum of points and authorities submitted in support of the motion for default judgment is devoid of any points and authorities discussing plaintiff’s claims under these statutes and the sole affidavit submitted in support of the motion is woefully deficient. Although the second amended complaint at paragraph 156 references a promissory note and paragraph 160 references a promissory note addendum, neither the note nor the

1 addendum have been submitted in connection with the motion for default judgment. Plaintiff has
2 not submitted an affidavit in support of the motion. The only affidavit submitted in support is
3 that of plaintiff's attorney, who does not demonstrate competence to testify as to the matters set
4 forth in the affidavit. No explanation or evidentiary support is submitted in connection with
5 claimed accrual of interest at 7% per annum in the total sum of \$67,200. In the present state of
6 the pleadings, the court cannot recommend entry of default judgment.

7 Accordingly, IT IS HEREBY ORDERED that:

- 8 1. The hearing date of July 16, 2014 on the motions for default judgment is vacated.
- 9 2. Plaintiff Mark Moran's motion for default judgment (ECF No. 51) is denied on the
10 basis that this plaintiff has been terminated from the action.
- 11 3. Plaintiff Patricia Bailey White's motion for default judgment (ECF No. 52) is denied
12 without prejudice.

13 Dated: June 18, 2014

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16 CAROLYN K. DELANEY
17 UNITED STATES MAGISTRATE JUDGE

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