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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

LAUREL COLLINS,
Plaintiff,
v.
EDUCATION SOURCE, INC.,
Defendant.

No. 2:16-cv-0282-KJM-KJN

ORDER

Presently before the court is plaintiff Laurel Collins’s (“plaintiff”) renewed motion for default judgment against defendant Education Source, Inc. (“defendant”).¹ (ECF No. 10.) To date, defendant has not opposed plaintiff’s motion, or otherwise made any filings in this action. A hearing on this matter was held before the undersigned on October 13, 2016. Attorneys Annick Persinger and Lawrence Fisher appeared telephonically on behalf of plaintiff.² Defendant failed to appear.

¹ This motion was referred to the undersigned pursuant to E.D. Cal. L.R. 302(c)(19) and 28 U.S.C. § 636(b)(1).

² As discussed on the record during the hearing, the court finds plaintiff’s response to the order to show cause (ECF No. 9) adequately addresses the court’s concerns regarding plaintiff’s failure to appear at the August 4, 2016 hearing. Accordingly, the order to show cause is discharged as to plaintiff.

1 During the hearing, plaintiff's counsel represented that plaintiff intends to seek out
2 information related to ascertaining the members of the putative class alleged in the complaint and
3 then file a motion before the assigned district judge seeking class certification in this action based
4 on that information. Plaintiff's counsel represented further that plaintiff does not wish to obtain
5 default judgment against defendant at this juncture with respect to only her own claims.
6 Accordingly, plaintiff's counsel requested that plaintiff's pending motion for default judgment be
7 denied without prejudice to renewal after plaintiff has had an opportunity to obtain further
8 information on the alleged putative class and seek class certification in this action.

9 Based on the foregoing, IT IS HEREBY ORDERED that:

- 10 1. The order to show cause filed on August 5, 2016 (ECF No. 9) is discharged with
11 regard to plaintiff.
- 12 2. Plaintiff's renewed motion for default judgment (ECF No. 10) is DENIED without
13 prejudice to later renewal.

14 IT IS SO ORDERED.

15 Dated: October 14, 2016

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18 KENDALL J. NEWMAN
19 UNITED STATES MAGISTRATE JUDGE
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