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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON,

Plaintiff,

v.

WINTERSTAR, LLC, et al.,

Defendants.

No. 2:17-cv-02476 JAM AC

ORDER AND ORDER TO SHOW CAUSE
RE: DEFAULT JUDGMENT

Plaintiff filed a complaint November 27, 2017. ECF No. 1. After a failed attempt at settlement through the court's Voluntary Dispute Resolution Program, the parties submitted a joint scheduling report, and a scheduling order was issued on September 16, 2019. ECF No. 15, 16. On March 20, 2020, plaintiff filed a motion to compel initial disclosures. ECF No. 19. Defendants filed a statement of non-opposition, requesting 20 days to make the initial disclosures. ECF No. 21. The motion was granted, and defendants were instructed to provide initial disclosures by May 11, 2020. ECF No. 22. On June 16, 2020, plaintiff made a motion for sanctions, asking in part for default judgment to be entered against defendants, but without providing the briefing necessary for this court to enter default judgment as a discovery sanction. ECF No. 23. Defendants did not respond. On July 1, 2020, plaintiff filed a motion to compel. ECF No. 26. Defendants did not respond.

It appears probable to the court, from a review of the record, that defendants have abandoned this case. Thus, the court is inclined to enter default judgment against the defendants

1 as a discovery sanction. However, the court cannot enter default judgment without adequate
2 briefing from the plaintiff. Additionally, before entering such a drastic sanction, the court will
3 give defendants a final opportunity to appear and oppose entry of default judgment as a discovery
4 sanction.

5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Defendants are Ordered to Show Cause, in writing within 14 days, why default judgment
7 should not be entered against them as a discovery sanction.
- 8 2. Plaintiff is ordered to provide supplemental briefing on the issue of default judgment,
9 including proposed terms of judgment, within 14 days.

10 DATED: August 11, 2020

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12 ALLISON CLAIRE
13 UNITED STATES MAGISTRATE JUDGE
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