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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SUSTAINABLE PAVEMENT
TECHNOLOGIES, LLC,

Plaintiff,

v.

RICH HOLIDAY, et al.,

Defendants.

No. 2:17-cv-02687-WBS-KJN

ORDER

Presently pending before the court is plaintiff’s motion for default judgment against defendant Rich Holiday, which is set for hearing on February 7, 2019. (ECF Nos. 62, 64.) Pursuant to Local Rule 230(c), defendant was required to file an opposition or statement of non-opposition to the motion no later than fourteen (14) days prior to the hearing date, i.e., by January 24, 2019. Although that deadline has passed, no opposition or statement of non-opposition was filed.

Out of an abundance of caution, and in light of the court’s desire to resolve the action on the merits, the court provides defendant with one additional, final opportunity to oppose the motion. Accordingly, IT IS HEREBY ORDERED that:


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1. The February 7, 2019 hearing on plaintiff's motion for default judgment is VACATED. The court takes this matter under submission on the papers without oral argument, pursuant to Local Rule 230(g). On its own motion, the court will reschedule a hearing at a future date, if necessary
2. Any opposition shall be filed no later than February 25, 2019, and any reply brief is due March 4, 2019.
3. Defendant Rich Holiday is cautioned that failure to respond to the motion in compliance with this order will be deemed to be his consent to a summary grant of the motion, and may result in the imposition of a default judgment against him.
4. Plaintiff shall promptly serve a copy of this order on defendant Rich Holiday at his last-known address, and file a proof of service.

IT IS SO ORDERED.

Dated: January 29, 2019


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE