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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

M&T CAPITAL AND LEASING  
CORPORATION,

Plaintiff,

v.

FREON LOGISTICS,

Defendant.

No. 2:23-cv-01171-WBS-CSK

ORDER

Presently pending before the Court is Plaintiff M&T Capital and Leasing Corporation's revised motion for default judgment against Defendant Freon Logistics which was filed on May 7, 2024 and which is set for hearing on June 18, 2024. (ECF Nos. 23, 24.) Under 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 after the filing date of the motion, on or by May 21, 2024. 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 will provide Defendant one additional, final opportunity to oppose the motion.

Accordingly, IT IS HEREBY ORDERED that:

1. The June 18, 2024 hearing on Plaintiff's motion for default judgment is

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VACATED;

2. Any opposition or statement of non-opposition by Defendant shall be filed no later than June 24, 2024, and the reply brief from Plaintiff, if any, is due by July 1, 2024;
3. Defendant is cautioned that failure to respond to the motion in compliance with this order will be deemed as consent to a summary grant of the motion, and may result in the imposition of a default judgment against them;
4. Plaintiff shall promptly serve a copy of this order on Defendant's last-known address, and file a proof of service with the Court; and
5. After the time period for briefing is complete, the Court will take this matter under submission on the papers without oral argument, pursuant to Local Rule 230(g). The Court will reschedule a hearing at a future date, if necessary.

Dated: June 4, 2024

  
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CHI SOO KIM  
UNITED STATES MAGISTRATE JUDGE

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