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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

QUANTA SPECIALTY LINES
INSURANCE COMPANY,

No. C-08-0488 EMC

Plaintiff,

**ORDER REQUIRING FILING OF
AMENDED MOTION FOR DEFAULT
JUDGMENT**

v.

JOHN B. WONG, *et al.*,

Defendants.

Plaintiff Quanta Specialty Lines Insurance Co. initiated this insurance coverage lawsuit against Defendant John B. Wong (doing business as Boxer Group) and Defendants Jill Peasley, Chris Lynch, and Michael Fontanello (underlying plaintiffs), seeking adjudication of Quanta’s rights and duties under a liability policy issued by Quanta to Mr. Wong. The coverage dispute arises out of an underlying lawsuit brought by the underlying plaintiffs against Mr. Wong for alleged construction problems. The underlying plaintiffs were awarded \$551,476.77 in the underlying lawsuit.

Previously, this Court severed the claims against Mr. Wong from the claims against the underlying plaintiffs. *See* Docket No. 31 (order, filed on 5/16/08). Thereafter, Quanta moved for default judgment against Mr. Wong, which the Court deferred ruling on until after litigation on the merits of the coverage question between Quanta and the underlying plaintiffs. *See* Docket No. 40 (order, filed on 6/23/08). Quanta and the underlying plaintiffs have now resolved their dispute and entered into a stipulation of dismissal. *See* Docket No. 53 (stipulation). Quanta, however, has

United States District Court
For the Northern District of California

1 informed the Court that it still wishes to move forward with its motion for default judgment against
2 Mr. Wong.

3 In light of the stipulation of dismissal, the Court shall require Quanta to file an amended
4 motion for default judgment against Mr. Wong. In the amended motion, Quanta should describe,
5 now that it has settled its dispute with the underlying plaintiffs, the claims upon which it seeks relief
6 and the relief it seeks. Quanta should also discuss whether any issues with respect to Mr. Wong are
7 moot in light of the settlement with the underlying plaintiffs.

8 The amended motion for default judgment shall be filed no later than **January 14, 2009**.
9 Any opposition to the motion shall be filed by **January 28, 2009**, and any reply by **February 4,**
10 **2009**. Absent further order of the Court, there shall be no hearing on the motion and the Court shall
11 rule on the motion based on the papers submitted.

12 Quanta shall serve this order on Mr. Wong immediately upon receipt and shall file with the
13 Court a certificate of service.

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15 IT IS SO ORDERED.

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17 Dated: December 12, 2008

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20 EDWARD M. CHEN
21 United States Magistrate Judge
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