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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
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10 NORTHERN CALIFORNIA RIVER)
11 WATCH,)
12 Plaintiff,)
13 v.)
14 BAY AREA DIABLO PETROLEUM,)
15 et al.,)
16 Defendant.)
_____)

No. C08-1613 BZ

**ORDER SCHEDULING HEARING ON
PLAINTIFF'S MOTION FOR
DEFAULT JUDGMENT**

17 **IT IS HEREBY ORDERED** that pursuant to the Court's
18 discretion under Rule 55(b)(2) of the Federal Civil Rules of
19 Civil Procedure, a hearing on plaintiff's motion for default
20 judgment is set for **Wednesday, December 17, 2008, at**
21 **10:00 a.m.** in Courtroom G, 15th Floor, Federal Building, San
22 Francisco, California, 94102.

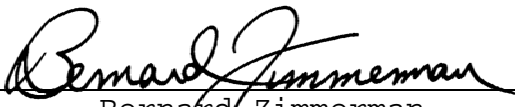
23 Claims for attorneys' fees should be supported by billing
24 records. Compliance with 50 App. U.S.C. § 501 et seq. of the
25 Servicemembers' Civil Relief Act may not be satisfied on
26 information and belief. See 50 App. U.S.C. § 521(b)(1);
27 United States v. Simmons, 508 F.Supp. 552 (E.D. Tenn.
28 1980)(interpreting 50 App. U.S.C. § 520(1), predecessor to 50

1 App. U.S.C. § 521(b)(1)). The public website
2 <https://www.dmdc.osd.mil/scra/owa/home> will provide the
3 current active military status of an individual and has
4 instructions on obtaining certificates of service or non-
5 service under the Servicemembers' Civil Relief Act.

6 Plaintiff should be prepared to prove its damages by
7 competent testimony or other admissible evidence. If
8 plaintiff intends to prove damages by affidavits or
9 declarations, the affiant or declarant should have personal
10 knowledge of all matters to which she testifies. For all
11 evidence, proper foundations must be established. For an
12 explanation of the evidentiary requirements for proving
13 damages in a default case, the parties are encouraged to
14 consult Chapter Six of Civil Procedure Before Trial by William
15 W. Schwarzer, A. Wallace Tashima, and James M. Wagstaffe.

16 Defendant should attend the hearing if it contests the
17 validity or amount of plaintiff's claim. Seven days before
18 the hearing, on **Wednesday, December 10, 2008**, plaintiff shall
19 file a declaration setting forth in detail all steps taken to
20 serve defendant with notice of this hearing.

21 Dated: November 12, 2008

22 
23 Bernard Zimmerman
24 United States Magistrate Judge

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