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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRENT HUTCHINS, et al.,

Plaintiffs,

No. C 09-04680 JSW

v.

SNELL & COMPANY, LLC, et al.,

Defendants.

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

\_\_\_\_\_ /

The Court has reviewed Magistrate Judge Joseph C. Spero’s Report and Recommendation (“Report”) regarding Plaintiffs’ motion for default judgment against Defendants Snell & Company, LLC (“Snell & Co.”) and Roger Snell (collectively, “Defendants”), Roger Snell’s motion to set aside entry of default, and Plaintiffs’ request to strike portions of Roger Snell’s declaration. The time for filing objections has passed, and there have been no objections filed thereto. The Court finds the Report correct, well-reasoned and thorough, and adopts it in every respect. Accordingly, the Court GRANTS Roger Snell’s motion to set aside default on the condition that Roger Snell pays Plaintiffs \$5,775 in attorneys’ fees. Roger Snell shall pay Plaintiffs \$5,775 by no later than June 7, 2010. The Court DENIES Plaintiffs’ motion for default judgment against Roger Snell and DENIES WITHOUT PREJUDICE Plaintiffs’ motion for default judgment against Snell & Co. Plaintiffs may renew their motion for default judgment against Snell & Co. at the conclusion of the case on the merits

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against co-defendant Roger Snell. The Court DENIES Plaintiffs' request to strike portions of Roger Snell's declaration.

**IT IS SO ORDERED.**

Dated: May 17, 2010

  
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JEFFREY S. WHITE  
UNITED STATES DISTRICT JUDGE