

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

CARRIE RINDERKNECHT,
Plaintiff,
v.
CAREY LAW FIRM,
Defendant.

NO. C10-0789 TEH
SCHEDULING ORDER

At the August 9, 2010 case management conference, this Court denied Plaintiff's motion to enforce settlement and ordered Plaintiff to seek entry of default and file, in accordance with the Local Rules, a motion for default judgment to be heard on either September 20 or 27, 2010. The deadline for filing the motion for default judgment was therefore August 23, 2010. See Civ. L.R. 7-2(a) (motions to be noticed for hearing "not less than 35 days after service of the motion").

Plaintiff sought entry of default on August 10, and default was entered by the Clerk on August 12. However, Plaintiff has, to date, failed to file a motion for default judgment, and the deadline for doing so has now passed. While the Court could impose sanctions for counsel's failure to meet this deadline, it opts not to do so in this instance. Instead, IT IS HEREBY ORDERED that Plaintiff shall file a motion for default judgment on or before **September 9, 2010**, and noticed for hearing on October 18, 2010, at 10:00 AM. If no timely motion is filed, then this case shall be dismissed for failure to prosecute.

IT IS SO ORDERED.

Dated: 09/02/10



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT

United States District Court
For the Northern District of California