

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MOHAMED ABOKASEM, et al.

No. C 10-1781 MMC

Plaintiffs,

v.

ROYAL INDIAN RAJ INTERNATIONAL
CORP., et al.

Defendants.

**ORDER DIRECTING SERVICE OF
PLAINTIFFS' MOTION TO STRIKE
ANSWER OF DEFENDANTS MANOJ
BENJAMIN AND ANJULA BENJAMIN
AND FOR ENTRY OF DEFAULT
AGAINST THEM AND FOR ENTRY OF
DEFAULT JUDGMENT AGAINST ALL
REMAINING DEFENDANTS; VACATING
HEARING**

Before the Court is plaintiffs' "Motion to Strike Answer of Defendants Manoj Benjamin and Anjula Benjamin and for Entry of Default Against Them; and for Entry of Default Against All Remaining Defendants," filed July 10, 2012.

In the motion, plaintiffs state they have not attempted service of the motion on the defendants who have appeared in the above-titled action. See Fed. R. Civ. P. 55(b)(2) (providing "[i]f the party against whom a default judgment is sought has appeared personally or by a representative, that party or its representative must be served with written notice of the application at least 7 days before the hearing"). Plaintiffs do not dispute that defendants Manoj Benjamin, Anjula Benjamin, Royal Indian Raj International Corp., Royal Indian Raj International Holdings Corp., Royal Indian Raj International Real Estate Fund Ltd., and Royal Garden Villas Resort Corp. (collectively "the Appearing

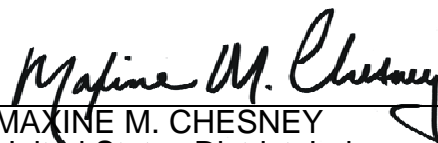
1 Defendants”) have “appeared” in the above-titled action, but argue further notice is not
2 necessary because, according to plaintiffs, “the record makes clear that all of these
3 defendants have since abandoned their defense.” (See Mot. at 7:23-8:1.) Plaintiffs seek “a
4 ruling from the Court that no further notice is required under Rule 55(b)(2)” (see id.) and, in
5 the alternative, request the Court “specify how such service is to be accomplished” (see id.
6 at 8:1-3). Plaintiffs cite to no legal authority providing an exception to the notice
7 requirement set forth in Rule 55.

8 Accordingly, plaintiffs are hereby DIRECTED to serve by mail the Appearing
9 Defendants at their address of record and to notice the motion for a date not less than 35
10 days after such service. See Civil L.R. 7-2(a).

11 In light of the above, the hearing, currently scheduled for August 17, 2012, is hereby
12 VACATED.

13 **IT IS SO ORDERED.**

14 Dated: August 10, 2012

15 
16 MAXINE M. CHESNEY
17 United States District Judge
18
19
20
21
22
23
24
25
26
27
28