

United States District Court  
For the Northern District of California

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

MOHAMED ABOKASEM, et al.,

No. C 10-1781 MMC

Plaintiffs,

**ORDER**

v.

ROYAL INDIAN RAJ INTERNATIONAL  
CORP., et al.,

Defendants.

\_\_\_\_\_ /

Before the Court is plaintiffs' motion, filed November 29, 2012, for leave to file a motion for reconsideration of the Court's order denying without prejudice plaintiffs' motion for default judgment against defendants Manoj and Anjula Benjamin. (See Mot. for Entry of Default J., filed Oct. 12, 2012; Order, filed Nov. 28, 2012 (denying motion, without prejudice, based on failure to serve defendants).)

In support thereof, plaintiffs assert the Court's order is "based on a mistake of fact," in that, according to plaintiffs, they did not acknowledge in said motion their failure to comply with the Court's prior order directing them to serve the motion on said defendants. (See Mot. for Recons., filed Nov. 29, 2012, at 1: 27.) The Court disagrees. Irrespective of what plaintiffs intended to say in their October 12, 2012 motion, no proof of service was filed in connection therewith and the only reference to service therein gives rise to the reasonable inference that no service was accomplished. (See Mot., filed Oct. 12, 2012, at

1 2:24-27 (“Plaintiffs contend a new motion is not needed. . . . If, however, the Court wants a  
2 new motion to be filed and served, [p]laintiffs will comply with this request.”.)

3           Nevertheless, in light of plaintiffs’ showing in support of the instant motion that they  
4 did serve defendants as instructed by the Court, and in the interest of judicial economy, the  
5 Court construes the instant motion as a motion for reconsideration, hereby GRANTS  
6 reconsideration, VACATES its order denying the motion for default judgment, and will  
7 consider said motion on its merits.

8           **IT IS SO ORDERED.**

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10 Dated: November 30, 2012

  
11 MAXINE M. CHESNEY  
12 United States District Judge  
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