

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
28

United States District Court
For the Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J & J SPORTS PRODUCTIONS, INC.,

No. C-10-1810-JSW (DMR)

Plaintiff,

**ORDER REGARDING SUPPLEMENTAL
INFORMATION**

v.

ROMARICO SALVADOR MIRANDA, et
al.,

Defendants.


Having reviewed Plaintiffs’ Motion for Default Judgment (Docket No. 13), this Court hereby orders Plaintiffs to submit supplemental information in support of the Motion as follows, **no later than November 29, 2010**: A further declaration clarifying which entity or entities may license the event at issue. Plaintiff’s Complaint alleges that Plaintiff J & J Sports Productions, Inc. has exclusive commercial distribution rights to the event. *See* Docket No. 1 at ¶ 9. However, Exhibit 1 to Plaintiff’s Affidavit in Support of Plaintiff’s Application for Default Judgment states that “G & G Closed Circuit Events, LLC” is the only “legal licensor” of the event. *See* Docket No. 15, Ex. 1. As “facts which are not established by the pleadings...or claims which are not well-pleaded, are not binding and cannot support the [default] judgment,” any additional facts attested to in Plaintiff’s supplemental declaration shall be subject to further examination by the Court. *See Danning v. Lavine*, 572 F.2d 1386, 1388 (9th Cir. 1978).

1 In addition, Plaintiffs are ordered to submit an accounting sufficient to support an award of
2 reasonable fees and costs for litigating this action by **no later than November 29, 2010**. Plaintiff's
3 counsel should "make a good faith effort to exclude from a fee request hours that are excessive,
4 redundant, or otherwise unnecessary." *Hensley v. Eckerhart*, 461 U.S. 424, 434, (1983); *see also*
5 U.S. Dist. Ct. Rules N.D. Cal., Civil L.R. 54-5.

6 Immediately upon receipt of this Order, Plaintiffs shall serve a copy of this Order on
7 Defendants Romarico Salvador Miranda, et al. and shall e-file a proof of service on the same day
8 that service is effected. At the same time Plaintiff's supplemental information as ordered herein is
9 submitted to the Court, Plaintiff shall serve Defendants with a copy of the supplemental information
10 and file a proof of service with the Court. Plaintiff may serve Defendants by mail.

11 IT IS SO ORDERED.

12 Dated: November 16, 2010



13
14 DONNA M. RYU
United States Magistrate Judge