

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

9 NATALIA SIDIAKINA and SHERRYL
10 BAECKEL,

11 Plaintiffs, No. C 10-03157 JSW

12 v.

13 JAMES G. BERTOLI, JUDGE, ET AL.,

14 Defendants.

**ORDER DISCHARGING ORDER
TO SHOW CAUSE AND
DENYING APPLICATION FOR
ENTRY OF DEFAULT
JUDGMENT**15
16 On July 19, 2011, this Court issued an order to show cause to Plaintiffs as to why this
17 case should not be dismissed for failure to prosecute. The Court admonished Plaintiffs that
18 failure to respond to the order would result in dismissal. The Court has received Plaintiff
19 Natalia Sidiakina's response and accordingly does not dismiss her action. Having not received
20 any response – or any filing whatsoever – from Plaintiff Sherryl Baeckel, her claims are
21 dismissed with leave to amend. The order to show cause dated July 19, 2011 is **HEREBY**
22 **DISCHARGED.**23 Plaintiff Sidiakina has also filed an application for entry of default judgment. Having
24 provided for service of the second amended complaint by granting Plaintiff's application to
25 proceed *in forma pauperis*, the Court finds that the Defendants are now properly served.
26 However, because of the repeated delays in filing and prosecution of this matter, the Court does
27 not find entry of default judgment against Defendants to be appropriate. Accordingly, the Court
28 **DENIES** Plaintiff Sidiakina's application for entry of default. However, the matter is stayed
and

1 any response to the operative complaint shall not be due until after the Court is able to conduct
2 a case management conference to discuss the issues raised in this matter.

3 Accordingly, and as requested by Plaintiff, the Court sets a case management
4 conference for December 16, 2011 at 1:30 p.m. The parties shall submit case management
5 conference statements by no later than December 9, 2011. The Court shall not continue this
6 matter further and any continued failure to prosecute shall result in dismissal.

7 **IT IS SO ORDERED.**

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9 Dated: August 31, 2011

Jeffrey S. White
10 JEFFREY S. WHITE
11 UNITED STATES DISTRICT JUDGE

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UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

NATALIA SIDIAKINA et al.

Case Number: CV10-03157 JSW

Plaintiff,

CERTIFICATE OF SERVICE

V.

JAMES G. BERTOLI et al.

Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

13 That on August 31, 2011, I SERVED a true and correct copy(ies) of the attached, by
14 placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter
listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an
inter-office delivery receptacle located in the Clerk's office.

16 Natalia A. Sidiakina
P.O. Box 1187
17 Tiburon, CA 94920

18 Sherryl Baeckel
10520 Village Road
19 Moreno Valley, CA 92557

20 | Dated: August 31, 2011

Jennifer Ottolini

Richard W. Wiekling, Clerk
By: Jennifer Ottolini, Deputy Clerk

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