

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

MITSUI O.S.K. LINES, LTD.,	)	Case No. 10-cv-5586-SC
	)	
Plaintiff,	)	ORDER DENYING APPLICATION
	)	FOR DEFAULT JUDGMENT
v.	)	<u>WITHOUT PREJUDICE</u>
	)	
ALLIED TRANSPORT SYSTEM (USA),	)	
INC.; CENTURION LOGISTICS	)	
MANAGEMENT; CENTURION LOGISTICS	)	
SERVICES, LTD.; UNION LOGISTICS,	)	
INC.; and DOES 1 through 20,	)	
	)	
Defendants.	)	
	)	

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The Court hereby DENIES WITHOUT PREJUDICE the application of Plaintiff Mitsui O.S.K. Lines, Ltd. for default judgment against Defendant Centurion Logistics Services, Ltd. ECF No. 133 ("App."). Though Plaintiff has perfected service of process on Defendant, see ECF No. 88, the record does not disclose that Plaintiff has served Defendant with the pending Application. In that Application, Plaintiff seeks damages of \$1,918,348.60. Before the Court will exercise its discretion to award such significant damages, the Court wishes to see proof that Plaintiff has served Defendant with the Application and supporting papers. See Eitel v. McCool, 782 F.2d 1470, 1471-72 (9th Cir. 1986) (setting forth factors guiding

1 district court's exercise of discretion in entering default  
2 judgment, including "the sum of money at stake in the action" and  
3 absence of "excusable neglect"); cf. Shanghai Automation Instrument  
4 Co., Ltd. v. Kuei, 194 F. Supp. 2d 995, 1005 (N.D. Cal. 2001)  
5 (finding absence of excusable neglect because defendant had been  
6 "properly served with the Complaint, the notice of entry of  
7 default, as well as the papers in support of the [application for  
8 default judgment]"); Bd. of Trustees v. Core Concrete Const., Inc.,  
9 11-3259 SC, 2012 WL 525553, at \*6 (N.D. Cal. Feb. 16, 2012) (same).

10       Within twenty-one (21) days of the signature date of this  
11 Order, Plaintiff shall file proof that (a) this Order and (b) the  
12 pending Application for Default Judgment, as well as supporting  
13 papers, have been served on Defendant. The Court will allow ten  
14 (10) days from the date of such service for Defendant to file a  
15 response. After the ten-day period elapses, the Court will  
16 reconsider Plaintiff's Application. Plaintiff need not resubmit  
17 the Application or renote it for hearing; the matter will be  
18 resolved on the papers submitted.

19  
20       IT IS SO ORDERED.

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22       Dated: December 27, 2012

  
23       UNITED STATES DISTRICT JUDGE