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

LORENZO MENDOZA MARTINEZ,  
ELIU MENDOZA, ELIEZER MENDOZA  
MARTINEZ, and GLORIA MARTINEZ  
MONTES,

No. C 11-03194 WHA

Plaintiffs,

v.

AERO CARIBBEAN, EMPRESA  
AEROCARIBBEAN S.A., CUBANA DE  
AVIACION S.A., and AVIONS DE  
TRANSPORT REGIONAL,

**ORDER RE LETTER FROM  
RICHARD STRATTON**

Defendants.

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Attorney Richard Stratton has written two letters to the Court stating that he may eventually file a motion for relief from the Clerk's default herein against Aerocaribbean S.A. and Cubana De Aviacion S.A. but that his firm has not yet obtained a federal license to do business with said entities and due to backlogs within the agency, no estimate of when such a license will be obtained can be given. Moreover, his letters stated that the purpose of the motion would be to contest service of process and/or personal jurisdiction, not to defend on the merits (Dkt. Nos. 80, 82, 86).

This is too little, too late. The service was accomplished long ago in this old case. The Cuban entities have had plenty of time to come forward and contest jurisdiction and service. They have waited until the eve of a default judgment to seek to go back to square one. If counsel were saying that the entities would appear and litigate on the merits, then the Court would be more sympathetic to a motion to set aside the default. But after all this time, it would only reward gamesmanship to allow the Cuban entities to appear specially to contest

1 jurisdiction and service. This is even more true since no motion has actually been filed by them  
2 and may not even be filed in the foreseeable future.


3 Attorney Richard Stratton is an esteemed member of the bar of this Court and will surely  
4 appreciate that too little jurisdiction has been given for the Court to delay hearing the motion for  
5 entry of default judgment (Dkt. No. 85).

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7 **IT IS SO ORDERED.**

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9 Dated: June 9, 2014.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE

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