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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

J&J SPORTS PRODUCTIONS, INC.,
Plaintiff,
v.
JOSE DIAZ SAHAGUN, et al.,
Defendants.

Case No. 13-cv-05620-VC

**ORDER DENYING DEFAULT
JUDGMENT WITHOUT PREJUDICE**

Re: Docket No. 24

J & J Sports Production, Inc. has sued Jose Diaz Sahagun, Marisa Food Services, Inc. d/b/a Fernando's Mexican Restaurant, and Martin Gutierrez Marquez individually and d/b/a Fernando's Mexican Restaurant, for unlawfully intercepting and broadcasting a boxing match for which J & J Sports owned the exclusive television distribution rights. Sahagun and Marisa Food Services are represented and have filed an answer. *See* Docket No. 14. Default was entered against Marquez, who is not represented and has not made an appearance in the case, on April 21, 2014. *See* Docket No. 17. J & J Sports now moves for a default judgment against Marquez pursuant to Federal Rule of Civil Procedure 55(b)(2).

Sahagun and Marisa Food Services oppose the motion for default judgment, stating that Marquez has not been involved with the business in more than five years and currently lives in Mexico. They argue that entering a default judgment against Marquez will cause them unwarranted expense, as J & J Sports will likely proceed immediately against the business to satisfy the judgment. *See* Declaration of Sahagun, Docket No. 28. In response, J & J Sports notes that Marquez is still identified as a stockholder and vice-president of Marisa Food Services on the liquor license. But this does not refute the assertions contained in the Sahagun Declaration. Given the dispute regarding Marquez's association with the business and the possibility of excusable neglect, as well as the potential impact on the other defendants who are defending this case, the motion for default judgment is denied without prejudice. J & J Sports may refile its

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motion at the conclusion of the case.

IT IS SO ORDERED.

Dated: June 27, 2014



VINCE CHHABRIA
United States District Judge