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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SMAATO, INC.,
Plaintiff,
v.
MOBILEWALLA, INC.,
Defendant.

Case No.16-cv-05162-JSC

**ORDER DENYING MOTION FOR
WRIT OF ATTACHMENT WITHOUT
PREJUDICE**

Re: Dkt. No. 7

Plaintiff Smaato, Inc., filed this civil action against Defendant Mobiewalla, Inc., on September 7, 2016. The day after Plaintiff filed the action, it filed a motion for writ of attachment pursuant to California Code of Civil Procedure Section 483.010 and noticed the motion for hearing on October 27, 2016. (Dkt. No. 7.) After Defendant failed to timely appear or respond to service of the summons and complaint, Plaintiff filed a motion for default judgment by the clerk and requested that the Court continue the hearing on the application for a writ of attachment until November 10, 2016 anticipating a ruling on the motion for default judgment in advance of the hearing. (Dkt. Nos. 12 & 13.) The Court granted the request, but due to an electronic filing error the motion for default judgment was not decided before November 10. Plaintiff did not appear for the rescheduled hearing on November 10, 2016. Given Plaintiff's stated preference to proceed with default judgment in lieu of the writ of attachment, the Court DENIES the motion for writ of attachment without prejudice.

IT IS SO ORDERED.

Dated: November 14, 2016


JACQUELINE SCOTT CORLEY
United States Magistrate Judge