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

SCOTT JOHNSON,  
Plaintiff,  
v.  
VARSHA I. PATEL, et al.,  
Defendants.

Case No. [18-cv-00211-MMC](#)

**ORDER DENYING WITHOUT  
PREJUDICE APPLICATION FOR  
DEFAULT JUDGMENT**

Re: Dkt. No. 24

On June 23, 2018, plaintiff Scott Johnson filed an Application for Default Judgment, by which application plaintiff seeks entry of default judgment against defendants Varsha I. Patel and City Center Inn & Suites LLC and, in conjunction therewith, seeks, inter alia, injunctive relief. Subsequently, on March 28, 2019, Magistrate Judge Donna M. Ryu filed a Report and Recommendation, by which said Magistrate Judge recommends the Court grant the above-referenced application.<sup>1</sup>

Thereafter, on May 1, 2019, the Court issued an order directing plaintiff to show cause, in writing and no later than May 17, 2019, why the remaining defendants, Ichharambhai Madhav Patel (“I. Patel”) and Shantaben I. Patel (“S. Patel”), should not be dismissed for failure to serve. In response thereto, plaintiff’s counsel of record filed, on May 17, 2019, a declaration in which said counsel states service as to said two defendants was effectuated on May 14, 2019, and submits therewith supporting proofs of service. (See Seabock Decl., filed May 17, 2019, ¶ 7; see also Proofs of Service, filed May 17, 2019.)<sup>2</sup>

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<sup>1</sup> On March 29, 2019, the instant action was reassigned to the undersigned.

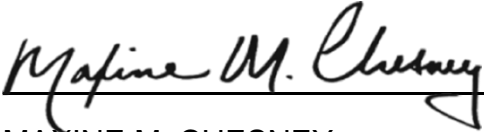
<sup>2</sup> By order filed concurrently herewith, the order to show cause has been discharged.

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In light of the recent service on I. Patel and S. Patel, and the potential risk of “inconsistent results” presented if the above-referenced application were granted at this stage of the proceedings, said application is hereby DENIED without prejudice to refiling, if appropriate, at a later time. See J&J Sports Prods., Inc. v. Pagliaro, 2013 WL 4402808 at \*2 (E.D. Cal. Aug. 15, 2013).

**IT IS SO ORDERED.**

Dated: May 22, 2019



MAXINE M. CHESNEY  
United States District Judge