

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

CELSO NODAL,)	
)	
Plaintiff(s),)	No. C09-1590 PJH (BZ)
)	
v.)	ORDER SCHEDULING DEFAULT
)	JUDGMENT HEARING
COUNTY FINANCIAL SERVICES,)	
et al.,)	
)	
Defendant(s).)	
_____)	

It is **HEREBY ORDERED** that a hearing on plaintiff's application for default judgment is scheduled for **Wednesday, October 21, 2009 at 10:00 a.m.** in Courtroom G, 15th Floor, 450 Golden Gate Avenue, San Francisco, California, 94102.

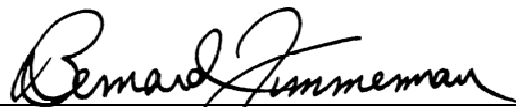
Claims for attorneys' fees should be supported by billing records. Compliance with 50 App. U.S.C. § 501 et seq. of the Servicemembers' Civil Relief Act may not be satisfied on information and belief. See 50 App. U.S.C. § 521(b)(1); United States v. Simmons, 508 F.Supp. 552 (E.D. Tenn. 1980)(interpreting 50 App. U.S.C. § 520(1), predecessor to 50 App. U.S.C. § 521(b)(1)). The public website <https://www.dmdc.osd.mil/scra/owa/home> will provide the

1 current active military status of an individual and has
2 instructions on obtaining certificates of service or non-
3 service under the Servicemembers' Civil Relief Act.

4 Plaintiff should be prepared to prove his damages by
5 competent testimony or other admissible evidence. If
6 plaintiff intends to prove damages by affidavits or
7 declarations, the affiant or declarant should have personal
8 knowledge of all matters to which she testifies. For all
9 evidence, proper foundations must be established. For an
10 explanation of the evidentiary requirements for proving
11 damages in a default case, the parties are encouraged to
12 consult Chapter Six of Civil Procedure Before Trial by William
13 W. Schwarzer, A. Wallace Tashima, and James M. Wagstaffe.

14 Defendants should attend the hearing if they contest the
15 validity or amount of plaintiff's claim. Seven days before
16 the hearing, on **Wednesday, October 14, 2009**, plaintiff shall
17 file a declaration setting forth in detail all steps taken to
18 serve defendant with notice of this hearing.

19 Dated: August 21, 2009

20
21 

22 Bernard Zimmerman
23 United States Magistrate Judge

24 G:\BZALL\REFS\NODAL v. CTY FINAN SVCS\ORDER SCHEDULING DEFAULT JUDGMENT
25 HEARING.wpd