

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

ORACLE USA, INC., a Colorado
Corporation, and ORACLE
INTERNATIONAL CORP., a
California Corp.,

Plaintiff(s),

v.

QTRAX, INC., a Delaware
Corp., and DOES 1 through
10, inclusive,

Defendant(s).

No. C09-3334 SBA (BZ)

**ORDER SCHEDULING HEARING ON
PLAINTIFFS' MOTION FOR
DEFAULT JUDGMENT**

TO ALL PARTIES AND COUNSEL OF RECORD:

IT IS HEREBY ORDERED that pursuant to the Court's
discretion under Rule 55(b)(2) of the Federal Civil Rules of
Civil Procedure, a hearing on plaintiffs' motion for default
judgment is set for **Wednesday, MAY 5, 2010, at 10:00 a.m.** in
Courtroom G, 15th Floor, Federal Building, 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

1 Servicemembers' Civil Relief Act may not be satisfied on
2 information and belief. See 50 App. U.S.C. § 521(b)(1);
3 United States v. Simmons, 508 F.Supp. 552 (E.D. Tenn.
4 1980)(interpreting 50 App. U.S.C. § 520(1), predecessor to 50
5 App. U.S.C. § 521(b)(1)). The public website
6 <https://www.dmdc.osd.mil/scra/owa/home> will provide the
7 current active military status of an individual and has
8 instructions on obtaining certificates of service or non-
9 service under the Servicemembers' Civil Relief Act.
10 Plaintiffs also bear the burden of providing admissible
11 evidence that individual defendants are not infants or
12 incompetent persons. See Rule 55(b)(2).

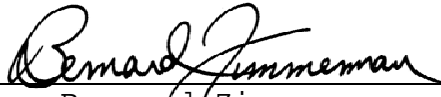
13 Plaintiffs should be prepared to prove their damages by
14 competent testimony or other admissible evidence. If
15 plaintiffs intend to prove damages by affidavits or
16 declarations, the affiant or declarant should have personal
17 knowledge of all matters to which she testifies. For all
18 evidence, proper foundations must be established. For an
19 explanation of the evidentiary requirements for proving
20 damages in a default case, the parties are encouraged to
21 consult Chapter Six of Civil Procedure Before Trial by William
22 W. Schwarzer, A. Wallace Tashima, and James M. Wagstaffe.

23 Defendant should attend the hearing if it contests the
24 validity or amount of plaintiffs' claim. Seven days before
25 the hearing, on **Wednesday, APRIL 28, 2010**, plaintiffs shall
26 file a declaration setting forth in detail all steps taken to
27 serve defendant with notice of this hearing.

28 **IT IS FURTHER ORDERED** that plaintiffs shall submit a list

1 of proposed witnesses and an estimate of the time required for
2 testimony by **APRIL 19, 2010**. The hearing scheduled for **APRIL**
3 **21, 2010** is **VACATED**.

4 Dated: March 16, 2010

5 
6 _____
7 Bernard Zimmerman
8 United States Magistrate Judge

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
G:\BZALL\REFS\ORACLE V. QTRAX\DEF SCHED ORD.wpd