

United States District Court
Northern District of California

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

HARTFORD FIRE INSURANCE
COMPANY,

Plaintiff,

v.

NBC GENERAL CONTRACTORS
CORPORATION,

Defendant.

Case No. 09-cv-05363-SBA (JSC)

**RE: MOTION FOR DEFAULT
JUDGMENT**

Re: Dkt. No. 139

Plaintiff’s Motion for Default Judgment as to Defendant NBC General Contractors Corporation (“NBC”) (Dkt. No. 139) was referred to the undersigned for a Report and Recommendation. (Dkt. No. 143.) However, upon review of the docket, it appeared that the case had been administratively closed as to Defendant NBC on March 5, 2013, because of pending bankruptcy proceedings and the automatic stay provision of 11 U.S.C. § 362(a). (Dkt. No. 107.) Further, the case did not appear to have been reopened at the time the Clerk entered default as to Defendant NBC on April 11, 2014. (Dkt. No. 135.) Thus, on June 16, 2014, the Court issued an Order directing Plaintiff to explain how the Court had jurisdiction to enter default judgment as to Defendant NBC under these circumstances. (Dkt No. 147.) Plaintiff thereafter moved to reopen the case as to Defendant NBC and District Judge Armstrong reopened the case on July 16, 2014. (Dkt. Nos. 148 & 150.)

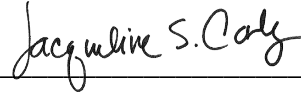
Given that the case as to Defendant NBC was closed at the time the Clerk entered default as to Defendant NBC, Plaintiff must start over and again move for entry of default and default judgment pursuant to Federal Rule of Civil Procedure 55. Plaintiff’s previously filed motion for default judgment is dismissed as moot in light of this Order.

This Order disposes of Docket. No. 139.

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IT IS SO ORDERED.

Dated: July 28, 2014



JACQUELINE SCOTT CORLEY
United States Magistrate Judge