

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

3  
4 SEQUOIA SALES, INC.,

No. C 10-5757 CW

5                                    Plaintiff,

ORDER REGARDING  
PLAINTIFF'S  
CLAIMS AGAINST  
CHOPPER'S  
PRODUCE, LLC

6                                    v.

7 P.Y. PRODUCE, LLC; JOSE GOMEZ; and  
8 CHOPPER'S PRODUCE, LLC,

9                                    Defendants.  
10 \_\_\_\_\_/

11                                    On April 13, 2011, the Clerk entered default against  
12 Defendants P.Y. Produce, LLC, and Chopper's Produce, LLC.  
13 Plaintiff Sequoia Sales, Inc., was directed to seek default  
14 judgment against these Defendants within thirty days of the Clerk's  
15 entry of default.

16                                    On April 20, 2011, Chopper's Produce filed an answer.  
17 However, it has not moved to set aside the Clerk's entry of  
18 default. On May 17, 2011, Plaintiff moved for default judgment  
19 against P.Y. Produce, but not against Chopper's Produce.

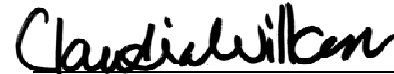
20                                    Within seven days of the date of this Order, Chopper's Produce  
21 may move to set aside the entry of default against it. If it does  
22 so, Plaintiff shall respond to Chopper's Produce's motion seven  
23 days thereafter. Any reply by Chopper's Produce shall be filed  
24 seven days after Plaintiff files its response. Any motion to set  
25 aside the entry of default will be decided on the papers. If  
26 Chopper's Produce fails to move, Plaintiff shall move for default  
27 judgment against Chopper's Produce within fourteen days of the date  
28 of this Order. Plaintiff's failure to do so will result in the

1 dismissal of its claims against Chopper's Produce for failure to  
2 prosecute.

3 Defendant Jose Gomez is currently in bankruptcy proceedings.  
4 Accordingly, Plaintiff's claims against him are stayed. 11 U.S.C.  
5 § 362(a). Once a disposition has been reached on the remainder of  
6 the case, the Clerk shall administratively close the case against  
7 him.

8 IT IS SO ORDERED.

9  
10 Dated: 5/19/2011



11 CLAUDIA WILKEN  
12 United States District Judge  
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