

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
3

4 CAI INTERNATIONAL, INC.,

No. C 11-2403 CW

5 Plaintiff,

ORDER DENYING

PLAINTIFF'S

6 v.

RENEWED MOTION FOR

PARTIAL DEFAULT

JUDGMENT

(Docket No. 18)

7 SOUTH ATLANTIC CONTAINER LINES,  
8 LTD.; MARUBA S.C.A. EMPRESA DE  
9 NAVEGACION MARITIMA; and EMPRESA  
DE NAVEGACION MARUBA S.A.,

10 Defendants.

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12 On January 10, 2012, Plaintiff CAI International, Inc. moved  
13 for default judgment against Defendant South Atlantic Container  
14 Lines Ltd. At that time, it did not appear that Plaintiff had yet  
15 perfected service upon Defendants Maruba S.C.A. Empresa de  
16 Navegacion Maritima and Empresa De Navegacion Maruba S.A.

17 On January 13, 2012, the Court denied Plaintiff's motion,  
18 because Plaintiff made no argument in its motion that there was no  
19 just reason to delay entry of final judgment in its favor until  
20 such time that the Court could enter a judgment adjudicating all  
21 the claims and all the parties' rights and liabilities. See  
22 Federal Rule of Civil Procedure 54(b). At that time, the Court  
23 stated, "Plaintiff may renew its motion if it dismisses the other  
24 Defendants from this action or at other such time that a judgment  
25 adjudicating all the claims and all the parties' rights and  
26 liabilities may be entered." Docket No. 15, 2.

27 On February 23, 2012, Plaintiff renewed its motion for  
28 default judgment against Defendant South Atlantic Container Lines

1 Ltd. only. Plaintiff did not dismiss the claims against the other  
2 Defendants and did not make any showing that judgment can be  
3 entered as to all claims and parties at this time.

4 The Court notes that, on April 12, 2012, attorneys entered  
5 special appearances on behalf of South Atlantic Container Lines  
6 Ltd. and may move to set aside the entry of default against it.

7 Accordingly, the Court DENIES Plaintiff's renewed motion for  
8 partial judgment for failure to comply with the Court's order of  
9 January 13, 2012.

10 IT IS SO ORDERED.

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12 Dated: 4/13/2012

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CLAUDIA WILKEN  
United States District Judge