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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

SANHO CORPORATION,

Plaintiff,

No. C 11-2473 PJH

v.

**ORDER**

CIMO TECHNOLOGIES, INC.,

Defendant.

\_\_\_\_\_ /

On July 22, 2011, plaintiff Sanho Corporation (“Sanho”) filed a request for entry of default against defendant Cimo Technologies, Inc. (“Cimo”). Default was entered by the clerk on July 26, 2011, and the notice of entry was filed on July 28, 2011. On October 21, 2011, Sanho filed a motion for default judgment. On October 26, 2011, the motion was referred to Magistrate Judge Nandor J. Vadas, pursuant to Civil Local Rule 72-1, for a report and recommendation.

On November 8, 2011, Cimo filed an opposition to the motion for default judgment, in which it also requested that the court vacate the default, and dismiss the first amended complaint for failure to state a claim and for lack of personal jurisdiction. On November 15, 2011, Sanho filed a motion to strike Cimo’s opposition as untimely, and to also strike Cimo’s other motions. Sanho requested that its motion to strike be heard on shortened time.

On November 18, 2011, Judge Vadas issued an order denying Cimo’s motion to vacate the default and motion to dismiss without prejudice, as improperly noticed, and also denying Sanho’s motion for an order shortening time as moot. Judge Vadas advised that Cimo could “re-notice its motions as appropriate and pursuant to the Local Rules.”

**United States District Court**  
For the Northern District of California

1           On November 29, 2011, Cimo filed a motion to vacate the clerk's entry of default,  
2 and a motion to dismiss the first amended complaint. Cimo noticed the motions for hearing  
3 before the undersigned on January 4, 2012.

4           The motion to vacate the default is hereby REFERRED to Judge Vadas, pursuant to  
5 Local Rule 72-1, for a report and recommendation once the parties have been fully heard  
6 on the motion. The motion to dismiss is DENIED without prejudice, as premature, as no  
7 decision has yet been made on Cimo's motion to vacate the default.

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9 **IT IS SO ORDERED.**

10 Dated: December 1, 2011



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PHYLLIS J. HAMILTON  
United States District Judge

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