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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SYLVIA WHITEHEAD,

No. C-12-05158 DMR

Plaintiff(s),

**ORDER TO FILE AMENDED MOTION
FOR DEFAULT JUDGMENT**

v.

SIMM ASSOCIATES, INC.,

Defendant(s).

On February 26, 2013, Plaintiff filed a motion for default judgment. [Docket No. 14.] Plaintiff did not file the motion as a noticed motion pursuant to the Civil Local Rules. By no later than March 15, 2013, Plaintiff is ordered to file an amended motion for default judgment and notice it for hearing pursuant to Civil Local Rule 7-2.

In her forthcoming amended motion for default judgment, Plaintiff shall brief her entitlement to the entry of default judgment pursuant to the factors enumerated in the Ninth Circuit’s decision in *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986), for each separate cause of action for which Plaintiff seeks the entry of default judgment. The court notes that upon entry of default, the factual allegations within the complaint are accepted as true, except those relating to the amount of damages. *TeleVideo Sys., Inc. v. Heidenthal*, 826 F.2d 915, 917-18 (9th Cir.1987). A plaintiff must establish damages in default proceedings. Necessary facts not contained in the pleadings and claims which are legally insufficient are not established by default. *Cripps v. Life Ins. Co. of N. Am.*, 980 F.2d 1261, 1267 (9th Cir. 1992). Plaintiff shall also submit a detailed accounting sufficient to support any requested award of costs and reasonable attorneys’ fees for litigating this action.

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Immediately upon receipt of this Order, Plaintiff shall serve Defendant with a copy of this Order and file a proof of service with the court.

IT IS SO ORDERED.

Dated: February 28, 2013

