

WINGHART LAW GROUP, INC.

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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

11 JOSEPH ERCOLI, an individual
12
13 Plaintiff,
14 v.
15 **TOP SHELF CLASSICS**, an unknown entity,
16 **KIMPTON HOTEL & RESTAURANT**, an
17 unknown entity, **INTERCONTINENTAL**
18 **HOTELS GROUP, PLC**, a foreign
corporation, and Does 1 through 10, inclusive,
19
20 Defendants.

CASE NO: 4:15-CV-6333

**PLAINTIFF'S CERTIFICATION OF
COMPLIANCE FOR COMPLIANCE
HEARING PURSUANT TO ORDER
[DKT. 17] & ~~PROPOSED~~ ORDER**

HEARING DATE: MAY 13, 2016
TIME: 9:01 AM
DEPT.: COURTROOM 1

21 **PLAINTIFF'S CERTIFICATION OF COMPLIANCE**

22 Plaintiff Joseph Ercoli, pursuant to the Court's Order of April 7, 2016 [Dkt. 17] provides
23 the following certifications relating to service of the Defendants subsequent to said Order:
24

- 25 1. Plaintiff has dismissed Kimpton Hotel & Restaurant and Intercontinental Hotel
26 Group, PLC, without prejudice, pursuant to Fed.R.Civ.P. 41(a)(1). [Dkt. 19.] An
27 Order of Dismissal was entered by the Court on May 3, 2016. [Dkt. 20.]
28

- 2. Defendant Top Shelf Classics was served on April 6, 2016, under Fed.R.Civ.P. 4(e)(1). Proof of service was filed with the Court. [Dkt. 18.] No response to the Complaint has been filed by Top Shelf Classics. Plaintiff will be taking default against Defendant Top Shelf.
- 3. No other Defendant in this action remains to be served.

WHEREFORE, Plaintiff Ercoli respectfully requests the Court vacate the Compliance Hearing, set for the Court's 9:01 AM calendar on May 13, 2016

Dated this 6th of May 2016.

WINGHART LAW GROUP, INC.

 /S/
 Andrew D. Winghart
 Counsel for Plaintiff JOSEPH
 ERCOLI

~~PROPOSED~~ ORDER

Based upon the certification of counsel for Plaintiff Joseph Ercoli that all defendants in this Action have been served pursuant to the Federal Rules; or have been dismissed from this Action,

IT IS HEREBY ORDERED that the Compliance Hearing, set for the Court's 9:01 AM calendar on May 13, 2016, is VACATED. Plaintiff shall file the request for default within ten (10) business days of this Order.

DATED: May 9, 2016


 HONORABLE YVONNE GONZALEZ ROGERS
 UNITED STATES DISTRICT COURT JUDGE