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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

JOSEPH ERCOLI,
Plaintiff,
v.
TOP SHELF CLASSICS,
Defendant.

Case No. [15-cv-06333-YGR](#) (LB)

**ORDER REGARDING ADDITIONAL
INFORMATION FOR MOTION FOR
DEFAULT JUDGMENT**

Re: ECF No. 26

The plaintiff filed a motion for default judgment. (ECF No. 26.) The court appreciates the plaintiff's briefing of the Eitel factors. (See ECF No. 26-1 at 3–6.) In addition to the Eitel factors, though, the court must determine three preliminary matters in a default-judgment case: 1) whether it has subject-matter jurisdiction over the action; 2) whether it has personal jurisdiction over the defendant; and 3) whether service was proper. See *In re Tuli*, 172 F.3d 707, 712 (9th Cir. 1999); *Timbuktu Educ. v. Alkaraween Islamic Bookstore*, No. C 06–03025 JSW, 2007 WL 1544790, at *2 (N.D. Cal. May 25, 2007). The court requests that the plaintiff submit additional briefing regarding personal jurisdiction over Top Shelf Classics and the propriety of service. In particular, with respect to service, the court requests additional briefing as to why substitute service at the Hercules, California “mail box store” address was proper. (See ECF No. 18.) The plaintiff previously informed the court that it had difficulty identifying a “reliable address” for Top Shelf,

ORDER (No. [15-cv-06333-YGR](#) (LB))

1 see ECF No. 16 at 2, and identifies Top Shelf as an “unknown entity,” see ECF No. 18 at 2.
2 Without additional information, the court cannot determine if service was proper.

3 The court also requests that the plaintiff submit additional information for the damages and
4 attorney’s fees he seeks. First, with respect statutory damages, the court requests that the plaintiff
5 submit additional evidence as to why — if at all — the statutory damages sought plausibly relate
6 to his actual damages. See *Adobe Sys., Inc. v. Tilley*, No. C 09-1085 PJH, 2010 WL 309249, at *5
7 (N.D. Cal. Jan. 19, 2010); see also *Jones v. Collectal Associates*, No. 15-cv-02223-JCS, 2016 WL
8 721279, at * 4 (N.D. Cal. Jan. 29, 2016). Second, with respect to attorney’s fees, the court requests
9 that the plaintiff submit evidence supporting the number of hours billed. He may submit actual
10 itemized billing records or a chart showing the hours worked on specific tasks. This is necessary
11 for the court to determine whether the approximately twenty-five hours spent on the matter was
12 reasonable. (See ECF No. 26-2, ¶ 7.)

13 The court orders the plaintiff to file this additional briefing and supporting evidence by August
14 10, 2016 at 12:00 p.m. The matter remains on calendar for a hearing on August 11 at 9:30 a.m.

15 **IT IS SO ORDERED.**

16 Dated: August 5, 2016



17 LAUREL BEELER
18 United States Magistrate Judge

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