

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MCKESSON CORPORATION,
Plaintiff,
v.
NEW IBERIA RX INC, et al.,
Defendants.

Case No. 16-cv-00105-DMR

**ORDER TO SUBMIT SUPPLEMENTAL
BRIEFING IN SUPPORT OF
AMENDED MOTION FOR DEFAULT
JUDGMENT**

Re: Dkt. No. 24

On June 2, 2016, Plaintiff McKesson Corporation filed an amended motion for default judgment. [Docket No. 24.] After reviewing the motion, the court requested supplemental briefing, which the Plaintiff timely filed. [Docket No. 29 (Supp. Franco Decl.).]

In its June 10, 2016 order, the court specifically requested explanation or support for two charges included in Plaintiff's request for damages and listed as "ReturnedChk" on the Defendants' statements: a charge of \$69,869.73 for New Iberia (Receivable # 1407295813) and one of \$17,806.49 for Zachary (Receivable #1407246442). Order [Docket No. 27.]; *see also* Amen. Franco Decl. Exs. 2, 6 (Defs.' Statements).

In response, Plaintiff submitted a declaration stating that it was authorized to initiate debit entries from the Defendants' respective accounts for bills owed to Plaintiff. Supp. Franco Decl. ¶ 6. Plaintiff also provided a redacted "Wells Fargo ACH Return/NOC Report," generated January 23, 2015, showing that New Iberia had insufficient funds for a charge of \$69,869.73 and Zachary had insufficient funds for a charge of \$17,806.49. *Id.* at ¶¶ 7-9; Ex. A.

The court seeks additional clarification regarding these two charges. First, Plaintiff has not provided support showing that the Defendants owed Plaintiff these amounts. Specifically, based on Plaintiff's invoices for December 2014 and January 21, 2015, the amount owed by New Iberia and Zachary at the time of the charges was less than the requested debits. Amen. Decl. Franco

[Docket No. 24-1], Exs. 2, 3 (New Iberia Invoices); Exs. 6, 7 (Zachary Invoices).

Further, from Plaintiff's explanation, the court cannot determine whether the sums requested under the two "ReturnedChk" charges overlap with amounts in the separately requested invoices in Plaintiff's request for damages. Amen. Franco Decl. Exs. 3, 7. Plaintiff must explain that the "ReturnedChk" amounts owed to Plaintiff are not accounted for elsewhere in Plaintiff's request for damages.

Plaintiff shall submit additional briefing **by June 21, 2016 at 9:00 a.m.** to address the issues raised above. Any opposition or statement of non-opposition is due no later than June 27, 2016.

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

IT IS SO ORDERED.

Dated: June 16, 2016



Donna M. Ryu
United States Magistrate Judge