

United States District Court
For the Northern District of California

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E-FILED on 9/22/09

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

MIGUEL VEGA, CARLOS VEGA, EDGAR VEGA, MARCOS VEGA, ALEJANDRO VEGA, and JOSE VEGA,

Plaintiffs,

v.

MCLAIRD ENTERPRISES INC. dba COSTELLO'S TREE SERVICE, SEAN MCLAIRD dba COSTELLO'S TREE SERVICE, TOM MULLIN dba COSTELLO'S TREE SERVICE, URBAN FORREST TREE SERVICE dba COSTELLO'S TREE SERVICE, SURETY COMPANY OF THE PACIFIC and DOES 1-10.

Defendants.

No. C-08-04805 RMW

ORDER CONTINUING HEARING ON MOTION FOR ENTRY OF JUDGMENT

[Re Docket No. 24]

Plaintiffs' motion for entry of default judgment, presently calendared for September 25, 2009, is hereby continued to November 6, 2009 at 9:00 a.m. In reviewing plaintiffs' papers in preparation for the hearing, the court has observed that a proper evidentiary foundation for plaintiffs' exhibits has not been made. Specifically, many of the exhibits submitted by plaintiffs do not correspond to the descriptions of those exhibits in the accompanying declaration of counsel. It is also questionable whether counsel has the required personal knowledge to authenticate the time cards submitted as

1 evidence; the basis of such personal knowledge is not recited in the declaration. Without proper
2 foundation, the exhibits are not admissible to prove up plaintiffs' damages.

3 Plaintiffs may file and serve further declarations, or amended declarations and accompanying
4 exhibits, no later than October 23, 2009.

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6 DATED: 9/20/09

Ronald M. Whyte

RONALD M. WHYTE
United States District Judge

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1 **Notice of this document has been electronically sent to:**

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9 **Counsel for Defendants:**

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11 **No Appearance**

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13 Counsel are responsible for distributing copies of this document to co-counsel that have not
14 registered for e-filing under the court's CM/ECF program.

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Dated: 9/22/09

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Chambers of Judge Whyte