

E-Filed 2/14/11

1
2
3
4
5
6
7 IN THE UNITED STATES DISTRICT COURT
8 FOR THE NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSE DIVISION
10

11 MARIO YEPEZ, et al.,

No. C 08-04411 RS

12 Plaintiff,

ORDER RE SCHEDULING

13 v.

14 JASPER SEA PALACE, INC., et al.,

15 Defendants.
16
17 _____/

18
19 Good cause appearing, all pretrial dates and the trial date are hereby vacated. By prior order,
20 defendant Tamson Company, LLC has been either to enter an appearance of counsel, or to show
21 cause why its answer should not be stricken, no later than February 18, 2011. In the event Tamson
22 appears through counsel by that date, a further Case Management Conference will be set. If Tamson
23 otherwise responds to the order to show cause, an appropriate further order will issue.

24 In the event Tamson fails to respond at all, an order will enter striking its answer. Plaintiffs
25 shall thereafter promptly move to obtain entry of default against Tamson. In their prior Case
26 Management Conference Statement, plaintiffs asserted that Tamson's principal, defendant Ve Le
27 Nguyen, had answered the complaint herein. That is incorrect. The answer was filed solely on
28 behalf of Tamson itself. Additionally, no proof of service of summons and complaint on Ve Le

1 Nguyen is on file. In the event Nguyen was properly served and failed to answer, plaintiffs shall
2 promptly file proof of service and apply for entry of default against him. In the event Nguyen was
3 not previously served, plaintiffs must accomplish service within 20 days from the date of this order,
4 or dismiss their claims against him.

5 Upon entry of default against Tamson, and entry of default or dismissal as to Nguyen,
6 plaintiffs shall forthwith file a motion for entry of default judgment against all defendants whose
7 defaults have been taken.

8

9

10 IT IS SO ORDERED.

11

12 Dated: 2/14/11



RICHARD SEEBORG
UNITED STATES DISTRICT JUDGE

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28