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28E-FILED on 2/2/2012

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

MARK SHEPHERD and DELIA SHEPHERD,

No. C-09-01405 RMW

Plaintiffs,

v.

S3 PARTNERS, LLC; ALARIS
DEVELOPMENT; THE SHIELDS
FOUNDATION; NORTHWEST
CONSULTING GROUP, LLC; CORINTHIAN
WEALTH MANAGEMENT; GOLDEN
CREST WEALTH MANAGEMENT; PIERCE
ARROW INVESTORS, LLC; LIVINGSTONE
CAPITAL; STAGECOACH RETAIL, LLC;
SONTERRA RETAIL CENTER, LLC;
MICHAEL SIMS; SAM STAFFORD;
MELVIN RUSSELL SHIELDS; DAVID
VAUGHN; DAVID SAMUELS; CHASTAN
SHIELDS; DOUG BURKE,

ORDER STRIKING ANSWER AND
ALLOWING ENTRY OF DEFAULT
JUDGMENT

[Re Docket No. 119]

Defendants.

On January 9, 2012, Magistrate Judge Grewal made a report and recommendation following defendants' failure to appear at a settlement conference scheduled for December 29, 2011 and defendants' further failure to appear at a January 6, 2012 hearing on an order to show cause. No objections have been filed, and defendants have not appeared nor offered any excuse for their

1 failures. Defendants had notice of their required appearances. Thus, the court hereby adopts the
2 report and recommendation in full. Based upon these findings,

3 IT IS HEREBY ORDERED:

- 4 1. The answers of defendants S3 Partners, LLC; Northwest Consulting Group, LLC;
5 Stagecoach Retail, LLC; Sonterra Retail Center, LLC; and Melvin Russell Shields¹
6 are stricken;
- 7 2. The defaults of said defendants are entered;
- 8 3. Default judgments will be entered against said defendants upon submission by
9 plaintiffs of an appropriate proposed default judgment and a declaration or other
10 evidence supporting the relief requested in the proposed judgment; and
- 11 4. The pretrial conference currently set for February 9, 2012 and the trial date of
12 February 13, 2012 are VACATED.

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15 DATED: February 2, 2012



RONALD M. WHYTE
United States District Judge

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¹ All other defendants have been dismissed or are in bankruptcy.