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

Ford Motor Credit Co., LLC,

NO. C 09-02341 JW

Plaintiff,

**ORDER REQUESTING SUPPLEMENTAL
BRIEFING RE. PLAINTIFF'S MOTION
FOR SUMMARY JUDGMENT**

v.

Gilroy Auto. Group, Inc., et al.,

Defendants.

This case is scheduled for a hearing on Plaintiff's Motion for Summary Judgment or, in the Alternative, for Partial Summary Judgment on October 18, 2010. (Docket Item No. 93.) Upon review of Plaintiff's submissions in support of its request for damages relating to "interest and flat charges under the Wholesale Agreement through 8/23/10," the Court finds that they are insufficient. In particular, Plaintiff fails to properly show how it arrived at the \$47,234.97 sought, what interest rate(s) it applied to which loans, and what "flat charges" it seeks. Plaintiff also failed to provide documentation establishing its entitlement, if any, to these damages. Accordingly, on or before **October 5, 2010**, Plaintiff shall submit a Supplemental Brief detailing its calculations. Each calculation shall reference the relevant exhibit.

Dated: October 1, 2010



JAMES WARE
United States District Judge

1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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Dated: October 1, 2010

Richard W. Wieking, Clerk

By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy