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

Richard T. Ogawa,

NO. C 10-04308 JW

Plaintiff,

v.

**ORDER VACATING CASE  
MANAGEMENT CONFERENCE;  
SETTING DEADLINES FOR PLAINTIFF  
TO MOVE FOR ENTRY OF DEFAULT  
AND DEFAULT JUDGMENT**

Normark Enterprises, Inc., et al.,

Defendants.

This case is scheduled for an Initial Case Management Conference on February 28, 2011.

On February 17, 2011, Plaintiff filed a Case Management Statement. (hereafter, "CMS," Docket Item No. 15.) Plaintiff filed an Amended Complaint on December 3, 2010. (See Docket Item No. 10.)<sup>1</sup> On December 3, 2010, a summons was issued to Defendant LJS Manufacturing, Inc. ("LJS"). (See Docket Item No. 11.) On January 5, 2011, Plaintiff served the Amended Complaint on Defendant LJS. (See Docket Item No. 14.) Defendant LJS has not filed a response, although more than the twenty-one days provided by Federal Rule of Civil Procedure 12 has passed since Defendant LJS was served with the summons and Amended Complaint. Defendant LJS has yet to appear in the present case. In light of Defendant LJS's failure to appear, the Court finds that a Case Management Conference is not necessary at this time.


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<sup>1</sup> In its Case Management Statement, Plaintiff states that in its Amended Complaint it "omitted" Normark Enterprises, Inc. and included LJS Manufacturing, Inc. as the sole named Defendant, thereby "effectively dismissing the lawsuit with respect to Normark Enterprises, Inc." (CMS at 1.)

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Accordingly, the Court VACATES the February 28 Conference. Further, in light of Defendant's failure to appear, on or before **March 14, 2011**, Plaintiff shall seek with the Clerk of Court an entry of default and within two weeks of entry, file and lodge with the Court a Motion for Default Judgment against Defendant. The Motion shall be noticed in accordance with the Court's calendar and Civil Local Rules.

Dated: February 23, 2011

  
\_\_\_\_\_  
JAMES WARE  
United States District Chief Judge

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

2 Kenneth Cleon Brooks kcb@brookspatents.com

3 **Dated: February 23, 2011**

**Richard W. Wieking, Clerk**

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5 **By:           /s/ JW Chambers**  
6 **Elizabeth Garcia**  
7 **Courtroom Deputy**

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