

United States District Court
For the Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

CENTURY 21 REAL ESTATE LLC,

CASE NO. 5:13-cv-00887 EJD

Plaintiff(s),

**ORDER DISCHARGING ORDER TO
SHOW CAUSE; STRIKING ANSWER
OF ED/VAR INC.**

v.

ED/VAR INC., et. al.,

Defendant(s).

On September 24, 2013, the court issued an order requiring Defendants ED/VAR Inc. and Carlos Vargas to show cause on or before October 8, 2013, why their answers should not be stricken. See Docket Item No. 39. The court observed that despite previous instructions, an attorney had not appeared in this action on behalf of ED/VAR Inc. In addition, the docket revealed that Vargas did not participate in the preparation of a Joint Case Management Statement in anticipation of the scheduling conference on September 27, 2013. Under those circumstances, it appeared to the court that ED/VAR Inc. and Carlos Vargas had abandoned their defense.

Plaintiff filed a return to the show cause order explaining that Carlos Vargas had, in fact, attempted to participate in the preparation of a Joint Case Management Statement but that his proposed revisions were not ultimately incorporated due to issues related to timing. See Docket Item No. 40. Plaintiff further stated that ED/VAR Inc. did not participate and had not retained counsel.

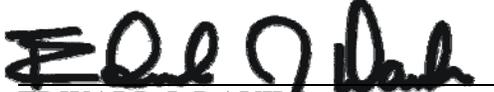
Accordingly, the court finds based on Plaintiff's filing that Carlos Vargas has demonstrated

1 good cause as required. The Order to Show Cause is therefore DISCHARGED as to him. However,
2 ED/VAR Inc. has failed to show good cause and has failed to retain counsel as previously ordered.
3 Its answer filed May 1, 2013, is therefore STRICKEN.

4 **IT IS SO ORDERED.**

5

6 Dated: October 22, 2013


EDWARD J. DAVILA
United States District Judge

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28