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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

FRANCISCO ROSAS,
Plaintiff,

v.

HUA PING CHANG dba SHANGRI-LA
LIA LIA CORPORATION; SHANGRI-LA
LIA LIA CORPORATION; TOM CHANG
dba TJK CHANG CORPORATION; TJK
CHANG CORPORATION,
Defendants.

Case No. 5:13-cv-01800 HRL

**INTERIM ORDER RE PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT**


On December 17, 2013, the court held a hearing on plaintiff's motion for default judgment. Plaintiff's counsel, however, did not appear and instead sent another attorney to make a "special appearance" on plaintiff's behalf. That specially appearing attorney had not had any prior involvement in the case. The court therefore directed the attorney to have plaintiff's counsel submit a supplemental letter brief addressing the possible inconsistency between plaintiff's supporting declaration ¶ 9 (in which he says that he always worked overtime) and the allegations of his complaint ¶¶ 14-15, 23 (in which he says that defendants "routinely" required him to work overtime, and he "occasionally" did so). See Fed. R. Civ. P. 54(c) ("A default judgment must not differ in kind from, or exceed in amount, what is demanded in the pleadings."). Plaintiff having not yet submitted his supplemental letter brief, the court orders him to do so no later than January

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17, 2014.

SO ORDERED.

Dated: January 7, 2014



HOWARD R. LOYD
UNITED STATES MAGISTRATE JUDGE

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5:13-cv-01800-HRL Notice has been electronically mailed to:

James Dal Bon jdblaw@earthlink.net, jdb@wagedefenders.com, mh@wagedefenders.com