

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIACase No. 15-cv-03175 NCMIRIAM ANDRADE,
Plaintiff,

v.

ALTAMIRA CORPORATION and PEDRO
MOTA,
Defendants.**ORDER SETTING CASE
MANAGEMENT CONFERENCE ON
APRIL 27, 2016, 1:00 P.M.**

In this employment action, plaintiff Andrade moves for default judgment against her former employer Altamira Corporation and her former supervisor Pedro Mota. After Andrade filed her motion, Mota filed a letter and accompanying declaration seeking to stop the imposition of default judgment against him. Dkt. Nos. 70, 71. Mota states in his declaration that he did not understand that he was supposed to come to court to defend himself, and that his employer Altamira informed him that it was handling his defense. Dkt. No. 71 at 2. He asks for an update of the case and help to understand how to defend himself. *Id.* at 3.

Andrade responded to Mota's declaration on March 23, 2016. Dkt. No. 72. Andrade states that she does not oppose "the denial of default judgment against Defendant Mota only at this time." *Id.* at 1 (emphasis in original).

Under Federal Rule of Civil Procedure 55(c), the Court may set aside an entry of default

1 for good cause. The Court sets a case management conference for April 27, 2016, at 1:00 p.m. in
2 Courtroom 7, 4th Floor, U.S. District Court, 280 South First Street, San Jose, California. Pedro
3 Mota must personally appear at the conference. At the case management conference, the Court
4 will consider whether Mota has established “good cause” to set aside the default against him.

5 The Court defers ruling on the default judgment against Altamira until it can determine
6 whether Mota will defend himself in the case. If Mota is defending himself, then there is a
7 “possibility of a dispute concerning material facts” against Altamira, which could preclude default
8 judgment. *Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986).

9 Mota may wish to consult with the Federal Pro Se Program at the San Jose Courthouse,
10 which provides free information and limited-scope legal advice to pro se litigants in federal civil
11 cases. The Federal Pro Se Program is available by appointment and on a drop-in basis. The
12 Federal Pro Se Program is available at Room 2070 in the San Jose United States Courthouse
13 (Monday to Thursday 1:00 – 4:00 pm, on Friday by appointment only), and The Law Foundation
14 of Silicon Valley, 152 N. 3rd Street, 3rd Floor, San Jose, CA (Monday to Thursday 9:00 am –
15 12:00 pm, on Friday by appointment only), or by calling (408) 297-1480.

16 **IT IS SO ORDERED.**

17
18 Dated: April 5, 2016



NATHANAEL M. COUSINS
United States Magistrate Judge

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MIRIAM ANDRADE,
Plaintiff,

v.

ARBY'S RESTAURANT GROUP, INC., et
al.,
Defendants.

Case No. [15-cv-03175-NC](#)

CERTIFICATE OF SERVICE

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S.
District Court, Northern District of California.

That on April 5, 2016, I SERVED a true and correct copy(ies) of the attached, by placing
said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by
depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery
receptacle located in the Clerk's office.

Petro Mota
82 No. Jackson Avenue., #8
San Jose, CA 95116

Dated: April 5, 2016

Susan Y. Soong
Clerk, United States District Court

By: 
Lili Harrell, Deputy Clerk to the
Honorable NATHANAEL M. COUSINS