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7 UNITED STATES DISTRICT COURT
8 SOUTHERN DISTRICT OF CALIFORNIA
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10 VERACITY WIRELESS, INC.,
11 Plaintiff,
12 v.
13 VIRTUAL FLEET MANAGEMENT,
14 LLC, and DOES 1-20,
15 Defendants.

Case No.: 17-CV-295-JLS (BLM)

**ORDER DENYING MOTION TO
DISMISS FOR WANT OF
PROSECUTION**

(ECF No. 11)

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17 Presently before the Court is Defendant Virtual Fleet Management LLC's Motion to
18 Dismiss for Want of Prosecution, ("MTN," ECF No. 11). Plaintiff filed a complaint in
19 February 2017, filed an amended complaint in June 2017, and filed an executed summons
20 in July 2017. Following this, no activity took place on the docket for almost an entire year,
21 and Plaintiff recently obtained an entry of default from the clerk of court. (ECF No. 10.)
22 Soon after entry of default, Defendant filed the present Motion. Defendant moves to
23 dismiss this case under Local Rule 41.1. This rule provides:

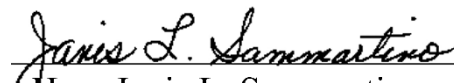
24 Actions or proceedings which have been pending in this court for
25 more than six months, without any proceeding or discovery
26 having been taken therein during such period, may, after notice,
27 be dismissed by the court for want of prosecution, at the calling
of a calendar prepared for that purpose by the clerk.

28 Civ. L. R. 41.1(a). Defendant is indeed correct that no activity took place in this case for

1 a period greater than six months. But, activity has certainly taken place in the last six
2 months, as Plaintiff filed for entry of default only a few weeks ago. Further, Defendant
3 admits the Parties attempted to resolve this case from June to December 2017, and again
4 engaged in settlement discussions last week. (MTN 2.) The purpose of Local Rule 41.1(a)
5 would not be served by a dismissal here, when it is clear that Plaintiff is actively pursuing
6 this case as evidenced by the recent request for entry of default. The Court **DENIES**
7 Defendant's Motion.

8 **IT IS SO ORDERED.**

9 Dated: August 7, 2018

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11 Hon. Janis L. Sammartino
12 United States District Judge
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