

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

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * * * *

RANDALL BRUCE BARLOW,

Plaintiff,

vs.

DONALD S. HERMAN, et al.,

Defendants.

Case No. 2:13-cv-00033-JAD-CWH

ORDER

Presently before the court is Plaintiff Randall Bruce Barlow's Request for Clerk's Entry of Default Against All Defendants (ECF No. 87), filed on November 21, 2016.

The undersigned recommended that the following defendants' answer and counterclaim be stricken: Defendants Donald Herman, Herman Family Trust, Willow Creek at San Martin Assisted Living, LLC, Willow Creek Buffalo Assisted Living, LLC, Willow Creek Buffalo, LLC, Willow Creek Memory Care West, LLC, and Silver Care, LLC. (Report & Recommendation (ECF No. 80).) The court stated, however, that the report and recommendation did not apply to Defendant Willow Creek San Martin Building, LLC because it had filed a notice of bankruptcy, thereby staying the case as to that defendant. (*Id.* at 1, n.1.) The Honorable Jennifer A. Dorsey adopted the report and recommendation and struck those defendants' answer and counterclaim. (Order (ECF No. 81).) At the status hearing on November 15, 2016, the parties' attorneys were unable to update the court regarding the status of Defendant Willow Creek San Martin Building, LLC's bankruptcy. (Mins. of Proceedings (ECF No. 83).)

Plaintiff now requests that the Clerk of Court enter default against all defendants, including Defendant Willow Creek San Martin Building, LLC. Given that Defendant Willow Creek San Martin

1 Building, LLC filed a notice of bankruptcy, the court will deny Plaintiff's motion as to Defendant
2 Willow Creek San Martin Building, LLC. The court will grant the motion as to the remaining
3 defendants.

4 IT IS THEREFORE ORDERED that Plaintiff Randall Bruce Barlow's Request for Clerk's
5 Entry of Default Against All Defendants (ECF No. 87) is GRANTED in part and DENIED in part as
6 stated in this order.

7 IT IS FURTHER ORDERED that the Clerk of Court must enter default as to all defendants
8 except Defendant Willow Creek San Martin Building, LLC.

9
10 DATED: November 30, 2016

11
12 

13 **C.W. Hoffman, Jr.**
14 **United States Magistrate Judge**
15
16
17
18
19
20
21
22
23
24
25
26
27
28