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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

ORLAN CHARLES HORNE,

Plaintiff,

v.

ANDRES N. BERTOTTO S.A.I.C., an  
Argentine Corporation; HIDRO GRUBERT  
U.S.A., INC., and DOES I-V, inclusive,

Defendants.

Case No. 2:14-cv-00389-APG-NJK

**Order Denying Motion for Default  
Judgment**

(Dkt. #25)

Plaintiff Orlan Charles Horne obtained a \$5,169,829.15 Default Judgment against defendant Hidro Grubert U.S.A., Inc. (“HG”) in Nevada state court. (Dkt. #25 at 34-35.) A few years later, Horne filed a second lawsuit in Nevada state court purporting to collect upon that Default Judgment. (Dkt. #4 at 6-9.) In that second suit, Horne also sued defendant Andres N. Bertotto S.A.I.C. (“Bertotto”), alleging that Bertotto is the alter ego of HG. *Id.* Bertotto removed that second suit to this court. (Dkt. ##1, 4.) Horne obtained a default against HG in this lawsuit, and now moves for entry of a Default Judgment against HG in the same amount as the Default Judgment he obtained against HG in the first state court lawsuit. (Dkt. #25.)

Horne’s motion fails to explain why he needs another Default Judgment against HG. His second lawsuit appears to allege no new claims against HG. Rather, the second lawsuit seeks to collect upon the judgment previously entered, primarily by asserting alter ego claims against Bertotto. (Dkt. #4 at 6-9.) Because no new claims are asserted against HG, any Default Judgment entered against it in this lawsuit would be a needless duplication of the state court’s Default Judgment.

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Because Horne has failed to carry his burden of persuasion as to the need for entry of a Default Judgment against HG, his motion is **DENIED** without prejudice.

Dated: April 27, 2015.



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ANDREW P. GORDON  
UNITED STATES DISTRICT JUDGE