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UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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PHILIP WINGEN, et al.,

Plaintiff(s),

v.

VENTRUM ENERGY CORP., et al.,

Defendant(s).

Case No. 2:15-CV-2043 JCM (VCF)

ORDER

Presently before the court is plaintiffs Karen and Phillip Wingen's ("plaintiffs") motion for entry of default as to defendant Danial Hassanpoor ("defendant").<sup>1</sup> (ECF No. 151). Defendant has not filed a response, and the time to do so has passed.

Plaintiffs initiated this action on October 22, 2015. (ECF No. 1). On February 2, 2016, defendant filed an answer to plaintiffs' complaint. (ECF Nos. 92, 93). Since filing his answer, defendant has not responded or participated in this action, despite repeated attempts by plaintiffs and the court. (ECF No. 151 at 5); see (ECF No. 150).

Specifically, defendant has failed to participate in (1) the Rule 26(f) conference; (2) the scheduling conference on July 7, 2017; (3) initial disclosures pursuant to Rule 26(f); (4) the joint

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<sup>1</sup> Plaintiff's motion included a motion for entry of clerk's default against defendant Avihail Kochlani. (ECF No. 151). However, Kochlani was dismissed from this action with prejudice on May 4, 2018. (ECF No. 154). Accordingly, the court addresses this motion with respect to defendant Danial Hassanpoor only.

1 interim status report filed February 2, 2018; (5) the requests for interrogatories and requests for  
2 production by plaintiffs. See (ECF Nos. 128, 135, 150). Accordingly, plaintiffs now move for  
3 clerk's entry of default against defendant. (ECF No. 151).

4 Default judgment is appropriate "[w]hen a party against whom a judgment for affirmative  
5 relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or  
6 otherwise." Fed. R. Civ. P. 55(a).

7 Obtaining a default judgment is a two-step process:

8 First, the party seeking a default judgment must file a motion for entry of default  
9 with the clerk of a district court by demonstrating that the opposing party has failed  
10 to answer or otherwise respond to the complaint, and, second, once the clerk has  
entered a default, the moving party may then seek entry of a default judgment  
against the defaulting party.

11 See *UMG Recordings, Inc. v. Stewart*, 461 F. Supp. 2d 837, 840 (S.D. Ill. 2006).

12 Although defendant has filed an answer to plaintiffs' complaint, defendant has  
13 systematically failed to meaningfully participate in this action. Accordingly, the court finds that  
14 entry of clerk's default against defendant is appropriate.

15 Accordingly,

16 IT IS HEREBY ORDERED, ADJUDGED, and DECREED that plaintiffs' motion for  
17 entry of default (ECF No. 151) be, and the same hereby is, GRANTED, consistent with the  
18 foregoing.

19 The clerk is instructed to enter default against defendant Danial Hassanpoor.

20 DATED March 7, 2019.

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UNITED STATES DISTRICT JUDGE