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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

LHF Productions, Inc.,
Plaintiff,

vs.

Agustin Bertolin, et al.,
Defendants

Case No.: 2:16-cv-02028-JAD-NJK

**Order Denying Motion
for Default Judgment**

[ECF No. 47]

10 Pro se defendant Brian Kabala responded to LHF Productions, Inc.'s lawsuit with an answer
11 and counterclaim.¹ LHF's response to that counterclaim was a motion to dismiss it.² Kabala now
12 asks the Clerk of Court to enter a default against LHF under FRCP 55(a) because LHF filed no reply
13 in support of its motion to dismiss, and the deadline for that reply has passed.³

14 The entry of default is only authorized when a party has completely failed to answer or
15 otherwise respond to claims. *See* Fed. R. Civ. Proc. 55(a). LHF did respond to Kabala's
16 counterclaims: it filed a motion to dismiss. Reply briefs are optional, and LHF's failure to file one
17 does not subject it to default under FRCP 55(a).

18 Accordingly, **IT IS HEREBY ORDERED** that Brian Kabala's Motion for Default [ECF
19 No. 47] is **DENIED**. The court will resolve LHF's motion to dismiss Kabala's counterclaim in the
20 normal course.

21 DATED: May 9, 2017.

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JENNIFER A. DORSEY
UNITED STATES DISTRICT JUDGE

26 ¹ ECF No. 22.

27 ² ECF No. 28.

28 ³ ECF No. 47.