UNITED STATES DISTRICT COURT

FOR THE EASTERN DISTRICT OF CALIFORNIA

SCOTT JOHNSON, Plaintiff, v. SAMMY'S RESTAURANT, INC, Defendant.	No. 2:15-cv-147-TLN-KJN ORDER VACATING HEARING AND ORDER TO RESPOND

Presently pending before the court is plaintiff's motion for default judgment against defendant, which is set for hearing on June 6, 2023. (ECF No. 62.) Pursuant to Local Rule 230(c), defendant was required to file an opposition or statement of non-opposition to the motion no later than fourteen (14) days after the filing date of the motion, i.e. May 5, 2023. Although that deadline has passed, no opposition or statement of non-opposition was filed.

Out of an abundance of caution, and in light of the court's desire to resolve the action on the merits, the court provides defendant one additional, final opportunity to oppose the motion.

Accordingly, IT IS HEREBY ORDERED that:

1. The June 6, 2023 hearing on plaintiff's motion for default judgment is VACATED. The court takes this matter under submission on the papers without oral argument, pursuant to Local Rule 230 subsections (c) and (g). The court will reschedule a hearing at a future date, if necessary;

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2. Any opposition by defendant shall be filed no later than June 2, 2023, and the reply brief from plaintiff, if any, is due June 12, 2023;
3. Defendant is cautioned that failure to respond to the motion in compliance with this order will be deemed as consent to a summary grant of the motion, and may result in the imposition of a default judgment against it; and
4. Plaintiff shall promptly serve a copy of this order on defendant at their last-known addresses, and file a proof of service with the court.

Dated: May 12, 2023

KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE

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