

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

PACIFIC WEALTH MANAGEMENT,  
LLC, a limited liability company,

Plaintiff,

v.

PACIFIC WEALTH MANAGEMENT,  
INC., a corporation, and ROSS WOLF, an  
individual,

Defendants.

Case No. C12-1310RSL

ORDER DENYING  
MOTION FOR DEFAULT

This matter comes before the Court on Plaintiff's motion for entry of default (Dkt. # 8) and Defendants' opposition (Dkt. # 9). The Court DENIES the motion.

At the outset, the Court notes that Plaintiff requested the Court to enter default, not default judgment. Dkt. # 8. As a result, Defendants' reliance on Federal Rule of Civil Procedure 55(b)(2) is inapposite. Unfortunately for Plaintiff, however, because Rule 55(a) applies, so does Local Civil Rule 55(a), which states: "in the case of a defaulting party who has entered an appearance, the moving party must give the defaulting party written notice of the requesting party's intention to move for the entry of default at least fourteen days prior to filing its motion and must provide evidence that such notice has been given in the motion for entry of default." And in this case, despite the fact that it acknowledges that Defendants made their appearance prior to their filing

1 of their motion,<sup>1</sup> Dkt. # 8-1 at ¶ 7, Plaintiff has not provided the Court with any proof of  
2 pre-filing notice. See generally Dkt. # 8-1. Accordingly, the Court must DENY its  
3 motion without prejudice to its ability to re-file with proof of the required notice.

4 DATED this 7th day of September, 2012

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7 Robert S. Lasnik  
United States District Judge  
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25 <sup>1</sup> The Court notes that the appearance was made only hours before Plaintiff filed its  
26 motion. Compare Dkt. # 7, with Dkt. # 8.