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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CHRISTOPHER CAMERON, INGRID
OVERMAN, and the F/V GALLOWS
POINT,

Plaintiffs,

v.

CAPE CAUTION, INC., and CHARLES R.
PIECUCH, *In Personum*; the F/V CAPE
CAUTION, O.N. 606699, her engines, tackle,
apparel, furniture and equipment, *In Rem*,

Defendants.

Case No. C07-5274 KLS

ORDER DENYING MOTION FOR
ORDER OF DEFAULT AGAINST GARY
MINKOFF

This matter comes before the Court on Plaintiffs' Motion for Order of Default Against Defendant Gary Minkoff. (Dkt. #28). Defendant Gary Minkoff filed his Opposition to Motion for Order of Default (Dkt. #32). The basis for his opposition is that Mr. Minkoff, through his attorney Attorney Robert F. Kehoe, filed a Notice of Appearance (Dkt. #30) and Answer (Dkt. #31) on April 2, 2008. Plaintiff also asserts that the late filing of the pleadings has not prejudiced the Defendants as the late filing has not hampered discovery.

The Court notes that the Plaintiffs went to great lengths in attempting to obtain a response from Mr. Minkoff. It appears that Mr. Minkoff was in Alaska fishing during this time which provides an explanation as to why neither counsel for the plaintiffs or defendants were able to reach him.

1 In light of the newly filed Notice of Appearance and Answer as well as the lack of prejudice to the
2 Defendants, the Motion for Default (Dkt. #32) is hereby DENIED.

3 DATED this 9th day of April, 2008.

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6 Karen L. Strombom
7 United States Magistrate Judge
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