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**U.S. District Court  
Eastern District of California - Live System (Sacramento)  
CIVIL DOCKET FOR CASE #: 2:19-cv-01918-TLN-DB**

(PS) Smith v. Brewer et al  
Assigned to: Chief District Judge Troy L. Nunley  
Referred to: Magistrate Judge Deborah Barnes  
Demand: \$135,000  
Cause: 28:1332 Diversity-Contract Dispute

Date Filed: 09/20/2019  
Date Terminated: 04/12/2022  
Jury Demand: Plaintiff  
Nature of Suit: 190 Contract: Other  
Jurisdiction: Diversity

**Plaintiff****Dean T. Smith**

represented by **Geoffrey O. Evers**  
Evers Law Group, PC  
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Suite 200  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Richard David Lambert**  
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*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

V.

**Defendant****Dennis Brewer**

represented by **Dennis Brewer**  
1210 City Place  
Edgewater, NJ 07020  
PRO SE

**Defendant****Winnett Perico, Inc.**

*also known as*  
Winnettorganics

**Defendant****Winnettorganics**

**Defendant****Winnettorganics Cattle Company, Inc.****Defendant****Winnett Cattle Company, Inc.**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
09/20/2019	<a href="#"><u>1</u></a>	COMPLAINT against All Defendants by Dean T. Smith. (Attachments: # <a href="#"><u>1</u></a> Appendix, # <a href="#"><u>2</u></a> Civil Cover Sheet)(Evers, Geoffrey) (Entered: 09/20/2019)
09/20/2019		RECEIPT number 0972-8473357 for \$400.00 for filing fee from Attorney Geoffrey O. Evers. (Kastilahn, A) (Entered: 09/20/2019)
09/20/2019	<a href="#"><u>2</u></a>	SUMMONS ISSUED as to *Dennis Brewer, Winnett Cattle Company, Inc., Winnett Perico, Inc., Winnettorganics, Winnettorganics Cattle Company, Inc. * with answer to complaint due within *21* days. Attorney *Geoffrey O. Evers* *Evers Law Group* *641 Fulton Ave, Suite 200* *Sacramento, CA 95825*. (Kastilahn, A) (Entered: 09/20/2019)
09/20/2019	<a href="#"><u>3</u></a>	CIVIL NEW CASE DOCUMENTS ISSUED; (Attachments: # <a href="#"><u>1</u></a> Consent Form, # <a href="#"><u>2</u></a> VDRP) (Kastilahn, A) (Entered: 09/20/2019)
10/04/2019	<a href="#"><u>4</u></a>	SUMMONS RETURNED EXECUTED: Dennis Brewer served on 10/1/2019, answer due 10/22/2019. (Evers, Geoffrey) (Entered: 10/04/2019)
10/04/2019	<a href="#"><u>5</u></a>	SUMMONS RETURNED EXECUTED: Winnettorganics Cattle Company, Inc. served on 10/1/2019, answer due 10/22/2019. (Evers, Geoffrey) (Entered: 10/04/2019)
10/04/2019	<a href="#"><u>6</u></a>	SUMMONS RETURNED EXECUTED: Winnett Cattle Company, Inc. served on 10/1/2019, answer due 10/22/2019. (Evers, Geoffrey) (Entered: 10/04/2019)
10/04/2019	<a href="#"><u>7</u></a>	SUMMONS RETURNED EXECUTED: Winnett Perico, Inc. served on 10/1/2019, answer due 10/22/2019. (Evers, Geoffrey) (Entered: 10/04/2019)
10/04/2019	<a href="#"><u>8</u></a>	SUMMONS RETURNED EXECUTED: Winnettorganics served on 10/1/2019, answer due 10/22/2019. (Evers, Geoffrey) (Entered: 10/04/2019)
10/28/2019	<a href="#"><u>9</u></a>	REQUEST FOR ENTRY OF DEFAULT as to All Defendants by Dean T. Smith. (Attachments: # <a href="#"><u>1</u></a> Declaration of Geoffrey O. Evers, # <a href="#"><u>2</u></a> Proof of Service)(Evers, Geoffrey) (Entered: 10/28/2019)
10/29/2019	<a href="#"><u>10</u></a>	CLERK'S ENTRY OF DEFAULT as to *Dennis Brewer, Winnett Cattle Company, Inc., Winnett Perico, Inc., Winnettorganics, Winnettorganics Cattle Company, Inc. * (Zignago, K.) (Entered: 10/29/2019)
04/29/2020	11	MINUTE ORDER issued by Courtroom Deputy M. Krueger for District Judge Troy L. Nunley on 4/29/2020: The Court has reviewed the docket in this case, and the Clerk entered default against the named Defendants on 10/29/2019 (ECF No. <a href="#"><u>10</u></a> ). As of today's date, no further action has been taken. Plaintiff shall file a declaration as to the status of this action within fourteen (14) days of this Minute Order. If Plaintiff files a Motion for Default Judgment in accordance with Local Rule 302(c)(19), a declaration need not be filed. (TEXT ONLY ENTRY) (Krueger, M) (Entered: 04/29/2020)
05/08/2020	<a href="#"><u>12</u></a>	MOTION for DEFAULT JUDGMENT by Dean T. Smith. Motion Hearing set for 6/12/2020 at 10:00 AM in Courtroom 27 (DB) before Magistrate Judge Deborah Barnes. (Attachments: # <a href="#"><u>1</u></a> Declaration of Dean T. Smith, # <a href="#"><u>2</u></a> Exhibit A, # <a href="#"><u>3</u></a> Exhibit B, # <a href="#"><u>4</u></a> Exhibit C, # <a href="#"><u>5</u></a> Exhibit D, # <a href="#"><u>6</u></a> Exhibit E, # <a href="#"><u>7</u></a> Exhibit F, # <a href="#"><u>8</u></a> Exhibit G, # <a href="#"><u>9</u></a> Exhibit H, # <a href="#"><u>10</u></a>

		Declaration of Geoffrey O. Evers, # <a href="#">11</a> Proposed Order)(Evers, Geoffrey) Modified on 5/8/2020 (Reader, L). (Entered: 05/08/2020)
06/08/2020	<a href="#">13</a>	ORDER signed by Magistrate Judge Deborah Barnes on 6/8/2020 CONTINUING <a href="#">12</a> Motion for Default Judgment hearing to 7/31/2020 at 10:00 AM in Courtroom 27 (DB) before Magistrate Judge Deborah Barnes. On or before 7/3/2020, plaintiff shall serve a copy of the motion for default judgment and a copy of this order on each defendant. On or before 7/17/2020, plaintiff shall file proof of such service. (Kastilahn, A) (Entered: 06/08/2020)
06/11/2020	<a href="#">14</a>	CERTIFICATE of SERVICE by Dean T. Smith re <a href="#">12</a> Motion for Default Judgment. (Evers, Geoffrey) (Entered: 06/11/2020)
07/31/2020	<a href="#">15</a>	MINUTES (Text Only) for proceedings held via video conference before Magistrate Judge Deborah Barnes: MOTION HEARING held on 7/31/2020 re <a href="#">12</a> Motion for Default Judgment filed by Dean T. Smith. Matter called. Record reflects no appearance by Geoffrey Evers, on behalf of plaintiff. No appearance by dft. After hearing, for reasons stated on the record, <a href="#">12</a> Motion for Judgment Submitted. Interpreter Jennifer Coulthard present. (Buzo, P) (Entered: 07/31/2020)
08/04/2020	<a href="#">16</a>	ORDER signed by Magistrate Judge Deborah Barnes on 08/03/20 DENYING <a href="#">12</a> Motion for Default Judgment. (Plummer, M) (Entered: 08/04/2020)
08/04/2020	<a href="#">17</a>	MOTION for DEFAULT JUDGMENT by Dean T. Smith. Motion Hearing set for 9/18/2020 at 10:00 AM in Courtroom 27 (DB) before Magistrate Judge Deborah Barnes. (Attachments: # <a href="#">1</a> Declaration of Dean T. Smith, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E, # <a href="#">7</a> Exhibit F, # <a href="#">8</a> Exhibit G, # <a href="#">9</a> Exhibit H, # <a href="#">10</a> Declaration Geoffrey O. Evers, # <a href="#">11</a> Proposed Order, # <a href="#">12</a> Proof of Service)(Evers, Geoffrey) (Entered: 08/04/2020)
09/18/2020	<a href="#">18</a>	MINUTES (Text Only) for proceedings held via video conference before Magistrate Judge Deborah Barnes: MOTION HEARING held on 9/18/2020 re <a href="#">17</a> Motion for Entry of Default Judgement filed by Dean T. Smith. Geoffrey Evers appeared on behalf of plaintiff by video. Record reflects no appearance on behalf of defendant. Court addressed Mr. Evers as to any contact with defendant. Mr. Evers addressed the court as to no contact with defendant as stated on the record. After hearing, for reasons stated on the record, <a href="#">17</a> Motion for Entry of Default Judgement SUBMITTED. Court to issue written findings and recommendations. Plaintiff's Counsel Geoffrey Evers, present zoom appearance. Court Reporter/CD Number: Jennifer Coulthard. (Buzo, P) (Entered: 09/18/2020)
02/12/2021	<a href="#">19</a>	ORDER signed by Magistrate Judge Deborah Barnes on 2/11/2021 DENYING without prejudice <a href="#">17</a> Motion for Default Judgment, to renewal of a motion that cures the defects noted above. (Reader, L) (Entered: 02/12/2021)
08/12/2021	<a href="#">20</a>	MOTION for DEFAULT JUDGMENT by Dean T. Smith. Motion Hearing set for 9/24/2021 at 10:00 AM in Courtroom 27 (DB) before Magistrate Judge Deborah Barnes. (Attachments: # <a href="#">1</a> Declaration of Geoffrey O. Evers, # <a href="#">2</a> Exhibit A, # <a href="#">3</a> Exhibit B, # <a href="#">4</a> Exhibit C, # <a href="#">5</a> Exhibit D, # <a href="#">6</a> Exhibit E, # <a href="#">7</a> Exhibit F, # <a href="#">8</a> Exhibit G, # <a href="#">9</a> Exhibit H, # <a href="#">10</a> Declaration of Dean T. Smith, # <a href="#">11</a> Proposed Order, # <a href="#">12</a> Proof of Service)(Evers, Geoffrey) (Entered: 08/12/2021)
09/08/2021	<a href="#">21</a>	RESPONSE by Dennis Brewer to <a href="#">20</a> Motion for Default Judgment. (Kastilahn, A) (Entered: 09/09/2021)
09/10/2021	<a href="#">22</a>	RESPONSE by Dennis Brewer to <a href="#">20</a> Motion for Default Judgment. (Kastilahn, A) (Entered: 09/14/2021)

09/16/2021	<a href="#">23</a>	REPLY by Dean T. Smith to RESPONSE to <a href="#">20</a> Motion for Default Judgment. (Attachments: # <a href="#">1</a> Proof of Service)(Evers, Geoffrey) (Entered: 09/16/2021)
09/16/2021	24	MINUTE ORDER issued by Law Clerk for Magistrate Judge Deborah Barnes on 09/16/2021: (Text Only Entry) A hearing is set in this matter for September 24, 2021. The parties are advised to appear at this hearing either telephonically or over video conference through the Zoom application (which is free and must be downloaded to your computer or mobile device prior to the hearing). Parties proceeding in propria persona, on his or her own behalf, shall contact Pete Buzo, the courtroom deputy of the undersigned magistrate judge at (916) 930-4128, no sooner than 4 days prior to the noticed or continued hearing date but no later than 48 hours prior to the hearing, to arrange their appearance either telephonically or over video conference. Counsel will receive an email containing the necessary appearance information and must notify the courtroom deputy no later than 48 hours prior to the hearing to elect to appear either telephonically or over video conference. The Zoom ID Number and password are confidential and are not to be given to anyone. Persons granted remote access to these proceedings, whether by Zoom or by telephone, are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the court. (Van Dine, B) (Entered: 09/16/2021)
09/16/2021		SERVICE BY MAIL: 24 Minute Order served on Dennis Brewer. (Van Dine, B) (Entered: 09/16/2021)
09/17/2021	<a href="#">25</a>	ASSOCIATION of ATTORNEY: Added attorney Richard David Lambert for Dean T. Smith. (Attachments: # <a href="#">1</a> Proof of Service)(Evers, Geoffrey) (Entered: 09/17/2021)
09/24/2021	26	MINUTES (Text Only) for proceedings held via video conference before Magistrate Judge Deborah Barnes: MOTION HEARING held on 9/24/2021 re <a href="#">20</a> Motion for Default Judgment filed by Dean T. Smith Geoffrey Evers and Richard Lambert appeared by video on behalf of Dean T. Smith. Dennis Brewer appeared pro se by video. Parties consented to today's proceeding by zoom. Court addressed Mr. Brewer as to motion for default judgment as stated on the record. Mr. Brewer informed the court that he objects to the motion for default judgment and would be filing a motion to set aside the default. Mr. Lambert addressed the court as to clarification that a response was filed as to the motion for default, but no answer was filed. After hearing, for reasons stated on the record, court granted Mr. Brewer 28 days to file a motion to set aside default. MOTIONS SUBMITTED: <a href="#">20</a> Motion for Default Judgment. Court to issue written order. Plaintiffs Counsel Richard Lambert, Geoffrey Evers present by video. Defendant Dennis Brewer present by video. Court Reporter/CD Number: Thresha Spencer. (Buzo, P) (Entered: 09/24/2021)
09/28/2021	<a href="#">27</a>	ORDER signed by Magistrate Judge Deborah Barnes on 9/27/21 ORDERING that defendant Brewer is granted 28 days from the date of this order to file a motion seeking to set aside the entry of default. (Kastilahn, A) (Entered: 09/28/2021)
09/28/2021		SERVICE BY MAIL: <a href="#">27</a> Order served on Dennis Brewer and Richard David Lambert. (Kastilahn, A) (Entered: 09/28/2021)
10/07/2021	<a href="#">28</a>	MOTION to SET ASIDE Entry of Default Judgment by Dennis Brewer. (Coll, A) (Entered: 10/08/2021)
10/13/2021	29	MINUTE ORDER (Text Only Entry) issued by Courtroom Deputy p for Magistrate Judge Deborah Barnes on 10/13/2021 IT IS HEREBY ORDERED: Defendant's <a href="#">28</a> MOTION to SET ASIDE Default Judgment is defective as filed and denied without prejudice subject to renewal. Defendant is directed to re-notice the motion in accordance with Local Rule 230(b) of this court. FURTHERMORE, Defendant is directed to contact the Courtroom

		Deputy for Magistrate Judge Deborah Barnes to obtain available civil law and motion hearing dates. I HEREBY CERTIFY that the foregoing is a true and correct statement of an order made in the above-captioned case.(Buzo, P) (Entered: 10/13/2021)
10/13/2021		SERVICE BY MAIL: 29 Minute Order Terminate Deadlines and Hearings Order on Motion to Set Aside served on Dennis Brewer, Richard David Lambert. (Buzo, P) (Entered: 10/13/2021)
10/22/2021	<a href="#">30</a>	MOTION to SET ASIDE Entry of Default Judgment by Dennis Brewer . Motion Hearing set for 12/3/2021 at 10:00 AM in Courtroom 27 (DB) before Magistrate Judge Deborah Barnes. (Kaminski, H). (Entered: 10/25/2021)
10/26/2021	31	MINUTE ORDER issued by Courtroom Deputy M. Krueger for District Judge Troy L. Nunley on 10/26/2021: Pursuant to Local Rule 302(c)(21), this case is hereby REFERRED to the assigned Magistrate Judge, Deborah Barnes, for all purposes, exclusive of the pretrial conference and trial. (TEXT ONLY ENTRY) (Krueger, M) (Entered: 10/26/2021)
10/26/2021		SERVICE BY MAIL: 31 Minute Order served on Dennis Brewer, Richard David Lambert. (Krueger, M) (Entered: 10/26/2021)
11/15/2021	<a href="#">32</a>	EXHIBITS by Dennis Brewer. (Reader, L) (Entered: 11/16/2021)
11/19/2021	<a href="#">33</a>	OPPOSITION by Dean T. Smith to <a href="#">30</a> Motion to Set Aside. (Evers, Geoffrey) (Entered: 11/19/2021)
11/29/2021	34	MINUTE ORDER (Text Only Entry)issued by Courtroom Deputy for Magistrate Judge Deborah Barnes on 11/29/2021. IT IS HEREBY ORDERED: On the Court's own motion and pursuant to Local Rule 230(g), defendant's <a href="#">30</a> Motion to Set Aside Entry of Default is SUBMITTED for decision without oral argument on the record and written briefing, with a written order to follow. IT IS FURTHER ORDERED, the 12/3/2021 hearing is VACATED. If the court subsequently determines that supplemental briefing or oral argument is necessary, the parties will be notified. I HEREBY CERTIFY that the foregoing is a true and correct statement of an order made in the above-captioned case. (Buzo, P) (Entered: 11/29/2021)
11/29/2021		SERVICE BY MAIL: 34 Minute Order Motions Submitted/Under Advisement served on Dennis Brewer, Richard David Lambert. (Buzo, P) (Entered: 11/29/2021)
01/24/2022	<a href="#">35</a>	EXHIBIT by Dennis Brewer. (Rodriguez, E) (Entered: 01/25/2022)
02/08/2022	<a href="#">36</a>	FINDINGS and RECOMMENDATIONS signed by Magistrate Judge Deborah Barnes on 2/8/22 RECOMMENDING that Plaintiff's <a href="#">20</a> motion for default judgment be denied; Defendant Brewer's <a href="#">30</a> motion to set aside entry of default be granted; the entry of defendant Brewer's default be set aside; Plaintiff be granted 28 days to file an amended complaint; Plaintiff be ordered to serve a copy of the amended complaint on defendant Brewer and file proof of such service within 14 days thereafter; and Defendant Brewer be ordered to file a responsive pleading to the amended complaint within 21 days of being served with the amended complaint. Findings and Recommendations REFERRED to District Judge Troy L. Nunley. Within 30 days after being served with these findings and recommendations, any party may file written objections with the court and serve a copy on all parties. (Kastilahn, A) (Entered: 02/08/2022)
02/08/2022		SERVICE BY MAIL: <a href="#">36</a> Findings and Recommendations served on Dennis Brewer, Richard David Lambert. (Kastilahn, A) (Entered: 02/08/2022)
03/14/2022	<a href="#">37</a>	MOTION to DISMISS by Dennis Brewer. Motion Hearing set for 5/13/2022 at 10:00 AM in Courtroom 27 (DB) before Magistrate Judge Deborah Barnes. (Attachments: # <a href="#">1</a> Statement, # <a href="#">2</a> Proposed Order)(Kaminski, H) (Entered: 03/15/2022)

03/28/2022	<a href="#">38</a>	OPPOSITION by Dean T. Smith to <a href="#">37</a> Motion to Dismiss. (Attachments: # <a href="#">1</a> Proof of Service)(Evers, Geoffrey) (Entered: 03/28/2022)
03/30/2022	<a href="#">39</a>	ORDER signed by District Judge Troy L. Nunley on 3/29/22 ADOPTING <a href="#">36</a> Findings and Recommendations, DENYING <a href="#">20</a> Motion for Default Judgment and GRANTING <a href="#">30</a> Motion to Set Aside Entry of Default. The entry of Defendant Brewer's default is set aside. Plaintiff is granted twenty-eight days to file an amended complaint. Plaintiff is ordered to serve a copy of the amended complaint on Defendant Brewer and file proof of such service within fourteen days thereafter and Defendant Brewer is ordered to file a responsive pleading to the amended complaint within twenty-one days of being served with the amended complaint. (Kaminski, H) (Entered: 03/30/2022)
03/30/2022		SERVICE BY MAIL: <a href="#">39</a> Order, served on Dennis Brewer, Richard David Lambert. (Kaminski, H) (Entered: 03/30/2022)
04/12/2022	<a href="#">40</a>	NOTICE of VOLUNTARY DISMISSAL by Dean T. Smith. (Attachments: # <a href="#">1</a> Proof of Service)(Evers, Geoffrey) (Entered: 04/12/2022)
04/12/2022	41	MINUTE ORDER issued by Relief Courtroom Deputy M. York for District Judge Troy L. Nunley on 4/12/2022: Pursuant to the Notice of Dismissal (ECF No. <a href="#">40</a> ) and FRCP 41(a) (1)(A)(i), this case is hereby DISMISSED without prejudice in its entirety. The hearing set for 5/13/2022, before Magistrate Judge Deborah Barnes is hereby VACATED. CASE CLOSED. (TEXT ONLY ENTRY) (York, M) (Entered: 04/12/2022)
04/12/2022		SERVICE BY MAIL: [ 41 ] Minute Order served on Dennis Brewer, Richard David Lambert. (York, M) (Entered: 04/12/2022)

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