

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
CALIFORNIA

Sweeney v. Carringer

Sweeney · No. 25-cv-03148-JST · Decided August 11, 2025

SUMMARY

The United States District Court for the Northern District of California denied Plaintiffs’ motion for reconsideration of the order setting aside Defendants’ defaults and denied their request for certification for immediate appeal under 28 U.S.C. § 1292(b). The Court granted in part and denied in part Plaintiffs’ motion to enlarge briefing deadlines, setting August 25, 2025, as the response deadline for specified motions and September 8, 2025, for replies.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Jon S. Tigar
JURISDICTION	United States District Court for the Northern District of California
DECIDED	August 11, 2025
DOCKET	25-cv-03148-JST
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiffs moved for reconsideration of the Court's interlocutory order setting aside defendants' defaults and moved for enlargement of time to respond to several pending motions and an order to show cause.
STANDARD OF REVIEW	A motion for leave to file a motion for reconsideration under Northern District of California Civil Local Rule 7-9 requires a material difference of fact or law, newly emerged material facts or a change in law, or a manifest failure to consider material facts or dispositive legal arguments. The Court applied the good-cause standard under Federal Rule of Civil Procedure 55(c) to the prior setting aside of defaults.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential
PARTIES	John Donnelly Sweeney, et al. v. Christine Carringer, et al.

TOPICS

- motion for reconsideration
- default
- appellate procedure
- civil procedure
- mootness

PRACTICE AREAS

civil procedure

appellate procedure

QUESTIONS PRESENTED

1. Whether plaintiffs satisfied the standard for leave to file a motion for reconsideration under Northern District of California Civil Local Rule 7-9.
2. Whether a district court may set aside a clerk's entry of default sua sponte for good cause under Federal Rule of Civil Procedure 55(c).
3. Whether plaintiffs were entitled to certification for immediate appeal under 28 U.S.C. § 1292(b).
4. Whether plaintiffs were entitled to an enlargement of time to respond to the specified motions and order to show cause.

HOLDINGS

1. A district court may set aside a clerk's entry of default sua sponte when good cause exists; no motion is required.
2. Plaintiffs did not demonstrate any ground warranting leave to file a motion for reconsideration under Civil Local Rule 7-9, so the motion for reconsideration was denied.
3. Certification for immediate appeal under 28 U.S.C. § 1292(b) was denied.
4. The request for an extension was denied as moot as to the jurisdictional order to show cause, but granted as to the other specified motions, with responses due August 25, 2025 and replies due September 8, 2025.

KEY QUOTATIONS

“motions for leave to file a motion for reconsideration may be filed if a party can demonstrate: (1) that there is a material difference of fact or law between the time of the motion for leave and the time of an entry of an interlocutory order; (2) that new material facts emerged or a change of law occurred after the entry of the order; or (3) a manifest failure by the Court to consider material facts or dispositive legal arguments which were presented before the interlocutory order was entered.” (at 1-2)

“Where good cause exists, a district court has the authority to set aside an entry of default sua sponte.” (at 2-3)

FACTUAL BACKGROUND

The Court had set aside defendants' entries of default after finding good cause. Plaintiffs argued that the Court could not take that action sua sponte and sought reconsideration, as well as certification for an immediate interlocutory appeal. Plaintiffs also sought additional time to respond to several pending motions and an order to show cause concerning possible dismissal for lack of jurisdiction.

PROCEDURAL HISTORY

The Court had previously set aside defendants' defaults after finding good cause. Plaintiffs sought reconsideration, arguing that the Court lacked authority to set aside the defaults without a motion, and also sought an extension of time to respond to pending motions and an order to show cause regarding jurisdiction. The Court denied reconsideration, denied certification for immediate appeal, denied the extension request as moot as to the order to show cause because plaintiffs had already responded, and granted limited extensions for responses to the other motions.

DISPOSITION

other

CASES CITED

- Ennix v. Stanten, No. C 07-02486 WHA, 2007 WL 2688483, at *1 (N.D. Cal. Sept. 10, 2007)
- Safeco Ins. Co. of Am. v. Pederson, No. 1:24-CV-01299-CDB, 2025 WL 711185, at *1 (E.D. Cal. Mar. 5, 2025)
- O'Connor v. State of Nev., 27 F.3d 357, 364 (9th Cir. 1994)

OPINION

1 2 3 4 UNITED STATES DISTRICT COURT 5 NORTHERN DISTRICT OF CALIFORNIA 6 7
JOHN DONNELLY SWEENEY, et al., Case No. 25-cv-03148-JST 8 Plaintiffs, ORDER
DENYING MOTION FOR 9 v. RECONSIDERATION; GRANTING IN PART AND DENYING
IN PART 10 CHRISTINE CARRINGER, et al., MOTION FOR ENLARGEMENT OF TIME
Defendants. 11 Re: ECF Nos. 157, 158 12 13 Now before the Court are Plaintiffs' motion for
reconsideration, ECF No. 157, and motion 14 for enlargement of briefing deadlines, ECF No. 158.

The Court will deny the motion for 15 reconsideration and grant in part and deny in part the
motion for enlargement of deadlines. 16 The Court construes Plaintiffs' motion for
reconsideration, ECF No. 157, as a motion for 17 leave to file a motion for reconsideration
pursuant to Civ. L.R. 7-9.

Under that rule, "motions for 18 leave to file a motion for reconsideration may be filed if a party
can demonstrate: (1) that there is a 19 material difference of fact or law between the time of the
motion for leave and the time of an entry 20 of an interlocutory order; (2) that new material facts
emerged or a change of law occurred after the 21 entry of the order; or (3) a manifest failure by the
Court to consider material facts or dispositive 22 legal arguments which were presented before the
interlocutory order was entered." Ennix v. 23 Stanten, No. C 07-02486 WHA, 2007 WL 2688483,
at *1 (N.D.

Cal. Sept. 10, 2007). The 24 primary ground of Plaintiffs' motion is that the Court erred by setting
aside Defendants' defaults 25 because the Court could not take that action in the absence of a
motion. 26 Plaintiffs misunderstand the law. A clerk's entry of default may be set aside for "good

27 cause.” Fed. R. Civ. P. 55(c). “[A] district court's discretion is ‘especially broad when, as in this
1 United States, 211 F.3d 499, 504 (9th Cir.

2000) (quoting O’Connor v. State of Nev., 27 F.3d 357, 2 364 (9th Cir. 1994). “Where good cause
exists, a district court has the authority to set aside an 3 entry of default sua sponte.” Safeco Ins.
Co. of Am. v. Pederson, No. 1:24-CV-01299-CDB, 2025 4 WL 711185, at *1 (E.D. Cal. Mar. 5,
2025).

Here, the Court found good cause in its order setting 5 aside the defaults. No motion was required
to be filed. Accordingly, Plaintiffs’ motion for 6 reconsideration is denied. Plaintiffs’ request for
certification for immediate appeal under 28 7 U.S.C. § 1292(b), ECF No. 157 at 9, is also denied.1
8 Plaintiffs’ motion for an enlargement of time, ECF No. 158, appears to be directed at the 9
following motions: Defendant Thomas Ferrara’s motion to dismiss Plaintiffs’ first amended 10
complaint, ECF No. 136; the order to show cause why this action should not be dismissed for lack
11 of jurisdiction, ECF No. 141; federal defendants’ motion to transfer or dismiss, ECF No. 143;
12 Defendants Bryant Cannon, Matthew Bullock, Eileen White, Xavier Fernandez, Adrienne
Klein, 13 and Larry Goldzband’s motion to dismiss, ECF No. 152; Defendant San Francisco
Estuary 14 Institute’s motion to dismiss, ECF No. 118; and Defendant Christine Carringer’s
motion to 15 dismiss, ECF No. 121.2 Plaintiffs seek an extension to August 24, 2025 to respond to
each of 16 these orders or motions.

ECF No. 158 at 4. 17 With respect to Plaintiffs’ response to the order to show cause why the action
should not 18 be dismissed for lack of jurisdiction, Plaintiffs’ motion is denied as moot, because
Plaintiffs have 19 already filed their response, ECF No. 172. With respect to each of the other
foregoing motions, 20 Plaintiffs’ motion to enlarge time is granted.

Responses to each of the motions is due August 25, 21 2025.3 Reply briefs with regard to the
motions are due September 8, 2025. The Court will not 22 grant further extensions to Plaintiffs
with regard to these matters. 23 IT IS SO ORDERED. 24 Dated: August 11, 2025 25 1 In the
motion, Plaintiff Sweeney states that he is unable to attend the hearing scheduled for 26 October
16, 2025.

ECF No. 157 at 5. If Plaintiff Sweeney is unable to appear on that date he may move for a
continuance after meeting and conferring with defendants. 27 2 Plaintiffs also refer to a “Siegel
response” and an “AG response to default,” ECF No. 158 at 4,

1 JON S. TIGAR 2 United States District Judge 3
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