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U.S. DISTRICT COURT E.D.N.Y.

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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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BROOKLYN OFFICE

SIX CONTINENTS HOTEL, INC., HOLIDAY  
HOSPITALY FRANCHISING, INC.,  
Plaintiffs,

: NO. 09-CV-2021 (ARR)  
: (JMA)

-against-

: NOT FOR ELECTRONIC  
: OR PRINT PUBLICATION

CPJFK, LLC, CHARLES S. MORAIS, in his individual  
capacity, and SUNIL MIR, in his individual capacity,

: OPINION AND ORDER

Defendants.

X

ROSS, United States District Judge:

The court has received plaintiffs' request for leave to file their summary judgment papers unopposed and that defendants be found in default. In response to defendants' last-minute email to plaintiff's counsel indicating that they had ignored Judge Azrack's order but nevertheless requesting an extension, the court granted defendants one final extension to retain new counsel by January 16, 2012 and to serve their response to the summary judgment motion no later than February 6, 2012. No attorney has filed a notice of appearance on behalf of defendants and defendants have not filed any opposition. Accordingly, while an entry of default is premature at this stage, the court grants plaintiffs' request to file their summary judgment motion unopposed. Plaintiffs' counsel is directed to promptly serve a copy of this order on defendants.

SO ORDERED.

/s/(ARR)

Allyne R. Ross  
United States District Judge

Dated: February 9, 2012  
Brooklyn, New York