

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION

JOSEPH RICHMAN

PLAINTIFF

v.

Case No. 3:10-cv-256-DPM

1720 ENTERTAINMENT LLC;
DOE COMPANIES; and JOHN DOE
INDIVIDUALS 1-10

DEFENDANTS

ORDER

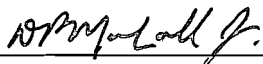
In response to this Court's Order, *Document No. 7*, Richman properly served Defendant 1720 Entertainment on 4 April 2011. *Document Nos. 8 & 9-2*. 1720 Entertainment has failed to answer or respond. FED. R. CIV. P. 55(a). The Clerk has entered a default. *Document No. 10*. Richman moves, *Document No. 9*, for a Clerk's default judgment pursuant to Federal Rule of Civil Procedure 55(b)(1).

The Rule authorizes the Clerk to enter a default judgment only when "plaintiff's claim is for a sum certain or a sum that can be made certain by computation[.]" FED. R. CIV. P. 55(b)(1). Richman's claim is not for a sum certain or one that can be computed with certainty. *Document No. 9-3*. The

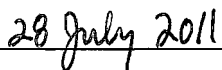
Court therefore construes Richman's motion as a Rule 55(b)(2) request. Richman is entitled to judgment on 1720 Entertainment's liability. And the Court will hold an evidentiary hearing to determine the amount of damages on 23 August 2011 at 1:00pm in Courtroom 324 at the E. C. "Took" Gathings Building, 615 S. Main Street, Jonesboro, Arkansas.

Richman shall submit a witness list and proposed exhibits to chambers by 10 August 2011. Though 1720 Entertainment has not appeared and therefore is not entitled to notice as a matter of right, *Marshall v. Boyd*, 658 F.2d 552, 554 (8th Cir. 1981), Richman has been in contact with 1720 Entertainment's lawyer. *Document No. 9-2*. The Court therefore directs that Richman send 1720 Entertainment's lawyer a copy of this Order by certified mail receipt required and file proof of service by 10 August 2011.

So Ordered.



D.P. Marshall Jr.
United States District Judge



28 July 2011