

default judgment if the defaulting party has appeared in the action. Fed. R. Civ. P. 55(b)(2). Although the moving party is not required to provide notice to a party who has not appeared, Zuelzke Tool & Eng'g Co. v. Anderson Die Castings, Inc., 925 F.2d 226, 230-31 (7th Cir. 1991), district courts have the discretion to order notice to parties who have not appeared, 10 Moore's Fed. Practice § 55.33[1], at 55-53 (3d ed. 2008).

Here, Defendant has not appeared in this action, and therefore, Plaintiff is not required to provide it with notice of its Motion for Default Judgment. Nevertheless, the Court finds that the ends of justice would best be served if Defendant was provided with notice of Plaintiff's Motion. As a result, Plaintiff is hereby ordered to serve this Motion and Order on Defendant no later than May 15, 2009. Service shall be perfected in accordance with Federal Rule of Civil Procedure 4. Once service has been perfected, Plaintiff shall file with this Court proof of service. Defendant shall have twenty (20) days from the date of service to respond to this Motion. If no response is filed, this Court will schedule a jury trial on the issue of damages and enter a default judgment against Defendant. If Defendant files a response, the Court will take this matter under advisement.

SO ORDERED, this the 15th day of April, 2009.

s/ Hugh Lawson
HUGH LAWSON, JUDGE

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