

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SEQUOIA FINANCIAL SOLUTIONS,)	
INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 13 C 2983
)	
DAVID GODFREY, JR., et al.,)	
)	
Defendants.)	

MEMORANDUM ORDER

On July 18, 2013 plaintiff Sequoia Financial Solutions, Inc. ("Sequoia") filed its motion, pursuant to Fed. R. Civ. P. ("Rule") 55, for the entry of default by the Clerk of this District Court against defendants David Godfrey, Jr. and the Illinois Department of Revenue. Rule 55 does not of course authorize the Clerk to enter a judgment against those defendants in a mortgage foreclosure case such as this one--instead Rule 55(b) (2) requires application to this Court for a default judgment.

Because Sequoia's counsel had taken no action in the latter respect before the next scheduled hearing date of August 16, despite this Court's issuance of a June 28, 2013 order calling for such a motion seeking a default judgment, on August 18 this Court took the issue of default under advisement with the understanding that Sequoia's counsel would promptly supply the customary orders in that respect: an order of default, an order appointing a special commissioner and a judgment of foreclosure.

Indeed, on August 19 this Court's secretary placed a call to Sequoia's lead counsel and was told that he would provide the required documents within 48 hours.

Three weeks have elapsed since then, with none of the promised documents having been provided--indeed, the only "message" from Sequoia's counsel has been that of total silence.¹ It is not this Court's responsibility to monitor what lawyers in cases assigned to its calendar should be doing or have promised to do. Accordingly Sequoia's motion for default (Dkt. 13) is denied, and absent appropriate action on Sequoia's part on or before September 23, 2013 this action will be dismissed for want of prosecution.



Milton I. Shadur
Senior United States District Judge

Date: September 12, 2013

¹ This is not counsel's first delinquency in this action. On April 29, 2013 this Court was compelled to issue a memorandum order that fined Sequoia \$100 because of counsel's violation of this District Court's LR 5.2(f) requirement of "the delivery of a paper copy of the complaint for the assigned judge's use within one business day after filing."