

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

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|-------------------------------------------------------------------|---|-----------------------------|
| RIVER NORTH EQUITY LLC, an Illinois limited liability company, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| v. |) | Case No. 1:16-cv-10986 |
| |) | |
| MPHASE TECHNOLOGIES, INC., a New Jersey corporation, |) | Hon. Marvin E. Aspen |
| |) | Mag. Judge Michael T. Mason |
| |) | |
| Defendant. |) | |

DEFENDANT’S MOTION FOR ENTRY OF JUDGMENT

NOW COMES Defendant mPhase Technologies, Inc. (“Defendant”), by and through its attorneys John S. Burke and Jared M. Schneider, and for its Motion for Entry of Judgment pursuant to Federal Rule of Civil Procedure 58(d), states as follows:

1. On October 31, 2016, Defendant received Plaintiff River North Equity LLC’s (“Plaintiff”) six-count verified complaint (the “Complaint”), which had been filed in Illinois State Court.
2. On November 30, 2016, Defendant timely filed its notice of removal. *See* ECF No. 1
3. On December 7, 2016, Defendant filed its motion to dismiss, which argued that Defendant was not subject to personal jurisdiction in Illinois and Plaintiff’s Complaint did not satisfy the securities-fraud pleading requirements required by the Private Securities Litigation Reform Act (“PSLRA”). *See* 15 U.S.C. § 78u-4(b).
4. On March 1, 2017, this Court granted Defendant’s motion, dismissed all counts without prejudice, and granted Plaintiff leave to amend its complaint until March 24, 2017. *See* ECF No. 10 [hereinafter the “March 1 Order”].
5. Plaintiff failed to file an Amended Complaint by March 24, 2017.

6. Pursuant to the Court's March 1 Order, Plaintiff's Complaint should be dismissed with prejudice.
7. Federal Rule of Civil Procedure 58(d) allows a party to request that judgment be set out in a separate document as required by Rule 58(a).

WHEREFORE, Defendant mPhase Technologies, Inc. prays this Court to enter an Order (1) dismissing with prejudice Plaintiff River North Equity LLC's Complaint; (2) entering judgment in favor of mPhase Technologies, Inc. and against Plaintiff River North Equity LLC; and (3) any and all further relief as the Court deems just and appropriate.

Respectfully Submitted,
MPHASE TECHNOLOGIES, INC.

By: /s/ John S. Burke
One of Defendant's Attorneys

Dated: April 4, 2017

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CERTIFICATE OF SERVICE

The undersigned attorney hereby certifies that he caused a copy of the foregoing Notice and Filing to be filed via the Court's ECF system and subsequently emailed a copy of the Notice and Filing to the parties as indicated below on this 4th day of April, 2017:

VIA E-MAIL: at@tracyfirm.com

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By: /s/ John S. Burke
Attorney for Defendant