

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION**

PRINCESS CROSS,)	
)	
Plaintiff,)	
)	
vs.)	CAUSE NO.: 2:17-CV-389-TLS
)	
THE CITY OF GARY and)	
OFFICER HUDSON,)	
)	
Defendants.)	

OPINION AND ORDER

This matter is before the Court on Plaintiff’s Amended Motion for Default Judgment [ECF No. 42] against Defendant Officer Hudson. Plaintiff Princess Cross filed her Complaint [ECF No. 1] on October 7, 2017. On January 25, 2018, Plaintiff effectuated service through a private detective on Defendant Hudson by leaving a summons with Defendant Hudson’s mother at his residence and by mailing the summons to that same address. Accordingly, Defendant Hudson had until February 15, 2018, to file an Answer or otherwise respond to the Complaint. Fed. R. Civ. P. 12(a)(1)(A)(i). Defendant Hudson failed to do so, and, on September 14, 2018, the Clerk of Court entered a Clerk’s Entry of Default [ECF No. 33] against Defendant Hudson. Plaintiff has requested compensatory and punitive damages, as well as attorney fees, in the amount of \$150,000 in this matter. Plaintiff has not yet submitted any evidence to support this amount of damages.

“Upon default, the well-pleaded allegations of a complaint relating to liability are taken as true.” *Dundee Cement Co. v. Howard Pipe & Concrete Prods., Inc.*, 722 F.2d 1319, 1323 (7th Cir. 1983). However, “the allegations in the complaint with respect to the amount of the damages are not deemed true.” *In re Catt*, 368 F.3d 789, 793 (7th Cir. 2004). Therefore, with damages at this stage indeterminate and unsupported by evidence, the Court cannot enter a default judgment at this time.

Federal Rule of Civil Procedure 55(b)(2) states that “[t]he court may conduct hearings or make referrals . . . when, to enter or effectuate judgment, it needs to: (A) conduct an accounting; (B) determine the amount of damages; (C) establish the truth of any allegation by evidence; or (D) investigate any other matter.” Fed. R. Civ. P. 55(b)(2).

For these reasons, the Motion for Entry of Judgment [ECF No. 42] is TAKEN UNDER ADVISEMENT. The Court ORDERS that this case is referred to Magistrate Judge Andrew Rodovich for purposes of conducting proceedings, including a damages hearing if necessary, and submitting proposed findings of fact and recommendations for the disposition of the Plaintiff’s Motion for Entry of Judgment [ECF No. 42], pursuant to 28 U.S.C. § 636(b)(1)(B) and N.D. Ind. L.R. 72-1(b).

SO ORDERED on December 3, 2019.

s/ Theresa L. Springmann
CHIEF JUDGE THERESA L. SPRINGMANN
UNITED STATES DISTRICT COURT