

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND**

**CHOICE HOTELS
INTERNATIONAL, INC.**

v.

ASHRAY CORPORATION, et al.

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Civil No. PJM 11-518

MEMORANDUM

On March 8, 2011, this court entered judgment by confession in favor of Plaintiff Choice Hotels International, Inc. (Choice Hotels), against Defendants Ashray Corporation and Samjhana Shrestha. On April 6, 2011, Samjhana Shrestha moved, on behalf of both Defendants, to vacate that order. ECF No. 6. Choice Hotels responded, ECF No. 8, and Defendants did not reply. The matter is now ready for resolution and no hearing is necessary.

The motion to vacate is denied as to Ashray Corporation because Samjhana Shrestha is not counsel of record for this corporation and accordingly cannot represent it in this court. Local Rule 101.1.a.

The motion is denied as to Samjhana Shrestha, and also alternatively as to Ashray Corporation, for lack of merit. The motion's basis is that the judgment was entered without notice and opportunity to defend. The promissory note which Defendants executed, and upon which this confessed judgment was entered, however, provides that upon default Defendants authorized confession of judgment against them "without process." This provision is valid and enforceable. *See* Local Rule 108.1.a.; *Atlantic Leasing & Financial, Inc., v. IPM Tech., Inc.*, 885 F. 2d 188, 191-94 (4th Cir. 1989). Choice Hotel's affidavit, submitted with the complaint for confession of judgment, complied with this court's local rule by "identifying the parties, stating the amount of liquidated damages, and describing the nature of the underlying transaction and

the execution of the guaranty agreement. No more is necessary to make out a plaintiff's prima facie case.” *Id.* at 193. Finally, Defendants present no evidence that there is any meritorious defense to this case. A conclusory assertion of a “valid defense” is insufficient. *Id.* at 194.

A separate Order denying the motion to vacate will be entered.

Date: September 1, 2011

/S/
JILLYN K. SCHULZE
United States Magistrate Judge