

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). Here, plaintiff claims damages that may not be “made certain by computation.” See Fed. R. Civ. P. 55(b)(1) (describing entry of default damages for sum certain claims). Therefore, the Court must find the amount of damages pursuant to the procedures made available by Fed. R. Civ. P. 55(b)(2). Interpreting that rule, the First Circuit has held that every plaintiff “is not necessarily entitled to an evidentiary hearing” when the claimed damages are not a sum certain; “in limited circumstances [the First Circuit has] permitted district courts to dispense with a Rule 55(b)(2) hearing, even in the face of apparently unliquidated claims.” *KPS & Assocs. v. Designs by FMC, Inc.*, 318 F.3d 1, 21 (1st Cir. 2003).

Accordingly, and in the interests of judicial economy, the Court will request affidavits and documentary evidence of damages to be filed by the plaintiff by June 14, 2013. The Court may hold an evidentiary hearing if the amount of damages cannot be readily ascertained from those filings.

For the foregoing reasons, plaintiff’s motion for default judgment is GRANTED, and plaintiff is directed to submit any affidavits or other documents from which the Court can calculate damages on or before June 14, 2013.

So Ordered.

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge

Dated: May 16, 2013