

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JNK HOLDING LLC

Plaintiff,

v.

SESAME CZ, LLC, D/B/A ROKA

Defendant.

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Civil Action No. 15-cv-10591-IT

ORDER

May 7, 2015

TALWANI, D.J.

Before the court is Plaintiff JNK Holdings LLC’s Motion for a Default Judgment [#10]. The Motion for a Default Judgment was filed after entry of default on April 8, 2015, and accordingly, service on Defendant was not required under the rules. See Federal Rule of Civil Procedure 5(b) (“No service is required on a party who is in default for failing to appear.”). Prior to filing the instant motion, Plaintiff moved the court for entry of default against Defendant Sesame CZ, LLC, D/B/A/ Roka. Motion for Default [#6]. Because the Motion for Default was filed prior to entry of default, Plaintiff should have served it on Defendant and should have filed a certificate of service. Fed. R. Civ. P. 5(a)(1)(D), (d). Review of the docket shows no such certificate of service. Accordingly, to avoid any potential prejudice, Plaintiff is directed serve in accordance with Federal Rule of Civil Procedure 5(b) both the Motion for Default [#6] and the Motion for a Default Judgment [#10] and to file a certificate of service.

IT IS SO ORDERED.

/s/ Indira Talwani
United States District Judge