

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

<p>SUPER 8 WORLDWIDE, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">v.</p> <p>ROSHNI HOSPITALITY, L.L.C.; and YASWANT PATEL</p> <p style="text-align: center;">Defendants.</p>	<p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p> <p>⋮</p>	<p>Civil Action No. 12-00048 (ES)</p> <p>OPINION & ORDER</p>
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SALAS, DISTRICT JUDGE

This action comes before the Court on the motion of Plaintiff Super 8 Worldwide, Inc. (“SWI”) for default judgment pursuant to Federal Rule of Civil Procedure 55(b)(2), and the Court, having considered Plaintiff’s submissions, and it appearing that:

1. Plaintiff commenced this civil action on January 3, 2012. (*See* Docket Entry No. 1).
2. Defendant Yaswant Patel was served with a copy of the Summons and Complaint on January 11, 2012. (*See* Docket Entry No. 4).
3. Defendant Roshni Hospitality, L.L.C. was served with a copy of the Summons and Complaint on February 24, 2012. (*See* Docket Entry No. 5).
4. The time for answering the Complaint has expired, and Defendants have neither been granted an extension of time within which to answer, nor interposed an answer or otherwise responded to the Complaint.
5. On June 15, 2012, SWI sent the Clerk of Court a letter requesting that default be entered against Roshni Hospitality, L.L.C. and Yaswant Patel. (*See* Docket Entry

No. 8).

6. On June 21, 2012, the Clerk of Court entered default as to these Defendants. (*See* Docket Entry dated June 21, 2013)
7. On July 25, 2012, Plaintiff filed the present motion seeking default judgment. (*See* Docket Entry No. 9).
8. Plaintiff provided Defendants with notice of the motion for default judgment and related documentation. (*See id.*).
9. To date, Defendants have not opposed SWI's motion for default judgment. Thus, the Court accepts the allegations of the Complaint as true and admitted by the Defendants. *See Knights Franchise Sys., Inc. v. Gauri Shivam LLC*, No. 10-5895, 2011 U.S. Dist. LEXIS 77650, at *6 (D.N.J. July 18, 2011). For that reason, the Court finds that SWI's allegations establish that the Defendants breached the franchise agreement with Plaintiff.
10. Therefore, this Court concludes that an entry of default judgment against the Defendants is warranted for the following two reasons. First, Defendants are culpable because they have not proffered a meritorious defense in response to Plaintiff's claims. *See Surdi v. Prudential Ins. Co. of Am.*, No. 08-225, 2008 U.S. Dist. LEXIS 71738, at *4-5 (D.N.J. Sept.8, 2008) (stating that "[defendants] are presumed culpable where they have failed to answer, move or otherwise respond"). Second, Plaintiff has suffered economic loss as a result of the Defendants' failure to respond, and will continue to suffer if default judgment is not granted.

Accordingly, IT IS on this 26th day of March, 2013,

ORDERED that judgment is hereby entered against Roshni Hospitality, L.L.C., and Yaswant Patel in favor of SWI in the total amount of \$37,113.27. The total amount of \$37,113.27 is comprised of the following:

1. \$34,859.07 for recurring fees and interest up to July 9, 2012;
2. \$2,254.20 for interest on the amount of recurring fees calculated at the legal rate of 1.5% per month from July 9, 2012 through March 26, 2013, using simple interest rather than compound interest;

ORDERED that beyond the date of this Final Judgment, post-judgment interest with respect to the total amount of this Final Judgment will continue to accrue at that rate allowed by law until the Judgment is paid in full.

ORDERED that Plaintiff shall submit a letter brief of no more than 5 pages to support its claim for “actual damages” in the amount of \$21,929.20, within fourteen days of the entry of this Order. Specifically, Plaintiff shall explain why this Court shall grant such damages where Plaintiff did not offer evidence of Plaintiff’s actual damages or an independent standard to determine actual damages.

ORDERED that Plaintiff’s counsel shall submit records to support its claims for reasonable attorneys’ fees and costs in the amount of \$8,005.06 within fourteen days of the entry of this Order.

s/Esther Salas
Esther Salas, U.S.D.J.