

4. On April 19, 2013, Plaintiffs sent the Clerk of the Court a letter requesting that default be entered against Defendant. (D.E. No. 6).
5. On April 22, 2013, the Clerk of the Court entered default as to this Defendant. (*See* D.E. dated April 22, 2013).
6. On May 6, 2013, Plaintiffs filed a motion seeking default judgment on the basis of the aforementioned single count of relief. (D.E. No. 7 at 5).
7. On May 6, 2013, Plaintiffs also provided Defendant with notice of their motion for default judgment. (D.E. No. 7 at 17).
8. Plaintiffs, however, have failed to file a brief or a statement that no brief is necessary in violation of Local Civil Rule 7.1. *See Developers Sur. & Indemnity, Co., v. NDK Gen. Contractors, Inc.*, No. 06-0086, 2007 WL 542381, at *2 (D.N.J. Feb. 15, 2007) (“Because Plaintiff’s application [for default judgment] does not meet the requirements of Local Civil Rule 7.1(d)(1), the Court will not hear Plaintiff’s application.”).
9. Plaintiffs further requested that the Court “schedule a Proof Hearing for purposes of determining the amount of damages owed to Plaintiffs by Defendant.” (D.E. No. 7 at 5).

Accordingly, IT IS on this 19th day of December 2013,

ORDERED that Plaintiffs’ motion for default judgment is DENIED *without* prejudice; and it is further

ORDERED that, to the extent that Plaintiffs choose to re-file their motion for default judgment, Plaintiffs must do so pursuant to Local Civil Rule 7.1; and it is further

ORDERED that, to the extent that Plaintiffs choose to re-file their motion for default judgment, Plaintiffs must set forth why default judgment is proper under the following three-part test: “(1) whether the party subject to default has a meritorious defense, (2) the prejudice suffered by the party seeking default, and (3) the culpability of the party subject to default,” *Malik v. Hannah*, 661 F. Supp. 2d 485, 490 (D.N.J. 2009) (quotations and citations omitted); and it is further

ORDERED that, to the extent that Plaintiffs choose to re-file their motion for default judgment, Plaintiffs must also set forth the requisite basis for calculating damages and provide any supporting materials, *see Malik*, 661 F. Supp. 2d at 493 (“In determining the amount [of damages], the district court may conduct a hearing. The court is not required to do so, however, as long as it ensures that there is a basis for the damages specified in the default judgment.”) (quotations, citations, and textual modifications omitted).

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