

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

GAN SHI LU

Plaintiff,

v.

ANDREW WEINBERGER

Defendant.

Civil Action No. 13-1837

ORDER

THIS MATTER having come before the Court by way of Plaintiff Gan Shi Lu's Motion for Default Judgment against Defendant Andrew Weinberger [Dkt. No. 45];

and it appearing that Plaintiff attempts to amend his Complaint in his Motion for Default Judgment to assert additional claims not mentioned in the Complaint;¹

and it further appearing that pleadings adding new claims against a party must be served on that party pursuant to Federal Rules of Civil Procedure 5(a)(2) and 4;

and a motion for default judgment not being the appropriate vehicle to add claims not asserted in the Complaint;

IT IS on this 26th day of January, 2015,

ORDERED that Plaintiff's Motion for Default Judgment is terminated without prejudice to refile; and it is further

ORDERED that, if Plaintiff wishes to move immediately for default judgment, Plaintiff shall resubmit his motion without including any claims not alleged in the Complaint; and it is

¹ "Just to updating on the claims Plaintiff didn't include the money which Mr. Weinberger borrowed and defendant asked for cash from Email." (Dkt. No. 45 at 1; see also Dkt. No. 45-1 at 5-7).

further

ORDERED that, if Plaintiff moves to amend his Complaint to add another cause of action, (1) Plaintiff must file the Amended Complaint with the Court and send a copy to Defendant's last known address and (2) Defendant's Answer will be due 21 days from the date of electronic filing of the Amended Complaint.

s/ Madeline Cox Arleo

Hon. Madeline Cox Arleo
UNITED STATES DISTRICT JUDGE