

NOT FOR PUBLICATION**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

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SUPER 8 WORLDWIDE, INC.,	:	Civil Action No. 14-5517 (SRC)
	:	
Plaintiff,	:	
	:	OPINION & ORDER
v.	:	
	:	
MAYURI HOSPITALITY, LLC. et al.,	:	
	:	
Defendants.	:	
	:	
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CHESLER, District Judge

This matter comes before the Court on the motion for entry of default judgment against Defendant Prafulbhai Bhakta ("Bhakta"). Plaintiff's motion for default judgment was originally filed against a larger group of defendants, but Plaintiff subsequently dismissed all claims against all defendants in the case, except for Bhakta. The record shows that Bhakta was never personally served with the Complaint. The supporting affidavit claims only that Bhakta was served by mail at an address in the State of Georgia, and that such service is valid service pursuant to Federal Rule of Civil Procedure 4(e)(1). That Rule states that an individual may be served within the United States "following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located or where service is made." The State of Georgia does not authorize service of process by mail. The State of New Jersey authorizes service by mail under certain circumstances:

Optional Mailed Service. Where personal service is required to be made pursuant to paragraph (a) of this rule, service, in lieu of personal service, may be made by

registered, certified or ordinary mail, provided, however, that such service shall be effective for obtaining in personam jurisdiction only if the defendant answers the complaint or otherwise appears in response thereto, and provided further that default shall not be entered against a defendant who fails to answer or appear in response thereto.

N.J. Court Rule 4:4-4(c). Bhakta did not answer the Complaint or appear in this action. Pursuant to N.J. Court Rule 4:4-4(c), default may not be entered against him. The clerk's entry of default was entered in error. The motion for default judgment against Bhakta will be denied.

For these reasons,

IT IS on this 30th day of April, 2015

ORDERED that Plaintiff's motion for default judgment (Docket Entry No. 10) is **DENIED**; and it is further

ORDERED that the clerk's entry of default against Defendant Prafulbhai Bhakta is hereby **VACATED**.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.