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January 15, 2016

BY ECF FILING ONLY

Honorable Jose L. Linares, U.S.D.J.  
 Federal Building and US Courthouse, Room5054  
 50 Walnut Street  
 Newark, NJ 07102

Re: Stampone v. Walker, et al., Docket No. 15-civ-6956-JLL-JAD  
 (Premature Notice of Motion for Default Judgment)

Dear Judge Linares:

Please be advised that I am the attorney for the defendants in the above captioned matter. I have been served this afternoon with a Motion for Default Judgment filed by the *pro se* plaintiff Frederick Stampone (Doc. 7) which the Clerk's office has marked returnable February 16, 2016.

My clients, however, are not in default. Pursuant to the Clerk's Text Order filed on December 30, 2015, our time to file a responsive pleading was extended until next Tuesday, January 19, 2016. We are in the midst of preparing a Motion to Dismiss the Complaint which will be timely filed on the 19<sup>th</sup>.

Accordingly, we respectfully suggest that Mr. Stampone's Motion for Default Judgment should be denied without further ado.

Respectfully yours,

/s/ Bennet D. Zurofsky

BENNET D. ZUROFSKY

Cc (by mail): Frederick Stampone

Plaintiff's Motion for Default Judgment (ECF# 7)  
 is hereby DENIED without prejudice.

SO ORDERED: DATED: 1/19/16