

NOT FOR PUBLICATION

UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY

CORNWELL QUALITY TOOLS CO.,

Plaintiff,

v.

OLIVIER BLANCO, et al.,

Defendants.

Civil Action No.: 2:16-cv-05086

ORDER

CECCHI, District Judge.

WHEREAS on August 19, 2016, Plaintiff Cornwell Quality Tools Co. (“Plaintiff”) filed a Complaint in this matter. (ECF No. 1); and

WHEREAS on October 21, 2016, two Summons were returned executed as to Defendants Olivier Blanco and Blanco Designs and Construction LLC (“Defendants”) indicating that Defendants had been served on October 7, 2016. (ECF Nos. 7, 8); and

WHEREAS on January 20, 2017, Plaintiff requested the Clerk of the Court enter default on the basis that the time for Defendants to Answer or otherwise defend against Plaintiff’s Complaint had expired. (ECF No. 9); and

WHEREAS on January 23, 2017, the Clerk of the Court entered default. (*Id.*); and

WHEREAS on April 17, 2017, Plaintiff filed a Motion for Default Judgment. (ECF No. 10); and

WHEREAS Federal Rule of Civil Procedure 55(b)(2) states that “[i]f the party against whom a default judgment is sought has appeared personally or by a representative, that party or

its representative must be served with written notice of the application at least 7 days before the hearing.” Fed. R. Civ. P. 55(b)(2); and

WHEREAS Plaintiff has not filed a certificate of service on the docket evincing service and written notice of Plaintiff’s Motion for Default Judgment at least 7 days before the motion date.

Accordingly, IT IS on this 19 day of October, 2017, in the interest of justice and for good cause shown:

ORDERED that Plaintiff is granted thirty (30) days from the date of this Order to serve Defendants and file a certificate of service on the docket evincing service and written notice of Plaintiff’s Motion for Default Judgment; it is further

ORDERED that Plaintiff may subsequently refile Plaintiff’s Motion for Default Judgment without making an additional request for default with the Clerk of Court; it is further

ORDERED that Plaintiff’s Motion for Default Judgment (ECF No. 10) is hereby administratively terminated; and it is further

ORDERED that the Clerk of the Court shall send Defendants a copy of this Order by regular mail.

SO ORDERED.



CLAIRE C. CECCHI, U.S.D.J.