

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW JERSEY

TOKIO MARINE AMERICA INSURANCE  
COMPANY  
a/s/o ITOCHU LOGISTICS (USA)  
CORPORATION,

*Plaintiff,*

v.

JAN PACKAGING, MCCOLLISTER'S  
TRANSPORTATION SYSTEMS, INC.,  
BALA TRANSPORT CORP., KING  
TRANSPORT LLC, NOLAN  
TRANSPORTATION GROUP, LLC,  
COURIER SYSTEMS,

*Defendants,*

-AND-

JAN PACKAGING,

*Defendant-Third Party  
Plaintiff,*

v.

NOLAN TRANSPORTATION GROUP,  
MCCOLLISTER'S TRANSPORTATION  
SYSTEMS, INC., AND MASTHEAD  
INTERNATIONAL, INC.

*Third-Party Defendants.*

Civil No.: 17-cv-7491 (KSH) (CLW)

**ORDER**

WHEREAS plaintiff Tokio Marine America Insurance Company a/s/o Itochu Logistics (USA) Corporation ("plaintiff") has moved for default judgment against defendant Bala Transport Corp. ("Bala") (D.E. 51); and

WHEREAS default was entered against Bala on January 26, 2018 (D.E. 31); and

WHEREAS “if default is entered against some defendants in a multi-defendant case, the preferred practice is for the court to withhold granting default judgment until the action is resolved on its merits against non-defaulting defendants,” *Animal Sci. Prods. v. China Nat’l Metals & Minerals Imp. & Exp. Corp.*, 596 F. Supp. 2d 842, 849 (D.N.J. 2008) (Brown, J.); *see also FTC v. Preferred Platinum Services Network, LLC*, 2010 WL 3883403, at \*2 (D.N.J. Sept. 28, 2010) (Cooper, J.), and

WHEREAS this action involves multiple defendants in addition to Bala, as well as a third-party complaint and various crossclaims, including crossclaims against Bala (D.E. 26, 63, 77), and

WHEREAS, entering default judgment against Bala under the circumstances would be premature,

**NOW, THEREFORE, IT IS**, on this 3rd day of March, 2020,

**ORDERED** that plaintiff’s motion for default judgment (D.E. 51) is DENIED WITHOUT PREJUDICE.

/s/ Katharine S. Hayden  
Katharine S. Hayden, U.S.D.J.