

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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EMILY SHIM, et al.,

Plaintiffs,

- v -

MILLENNIUM GROUP, et al.,

Defendants.

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**MEMORANDUM ORDER**

CV-08-4022(FB) (VVP)

The court has received a letter dated April 15, 2009 from Johnathan Johnson, one of the defendants named in this action. The letter asks the court to remove Johnson from the litigation based on his assertion that he should not be held liable on the claims made by the plaintiffs here. The letter states various facts concerning Johnson’s role at the defendant Millennium (USA) LLC and the functions he carried out. However, because Johnson did not respond to the complaint when it was served on him during the time required by the law, a default has already been entered holding him liable, and the only issue now before the court is the amount of damages he will be required to pay to the plaintiffs. The request to be removed from the case must therefore be DENIED.

The only recourse available to the defendant Johnson at this point is to seek to set aside the default in accordance with Rule 55 of the Federal Rules of Civil Procedure. The defendant Johnson should consult legal counsel for legal advice on how to do so. The defendant Johnson may also consult with the pro se clerks in the Office of the Clerk of the Court for instructions concerning the applicable procedures.

**SO ORDERED:**

*Viktor V. Pohorelsky*

VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated: Brooklyn, New York  
April 24, 2009