

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GARY HOSKING, Individually and on
Behalf of All Other Similarly Situated,

Plaintiffs

-against-

NEW WORLD MORTGAGE, INC., and
NEW WORLD CAPITAL HOLDINGS, INC.,

Defendants.

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LINDSAY, Magistrate Judge:

Before the court is the plaintiffs' motion to compel the defendant New World Mortgage, Inc. to provide the plaintiffs with the last known addresses of the Kevin and Francis Leonard. In July 2007, Judge Spatt entered a default judgment against New World Mortgage, Inc. In September, the motion was vacated, New World Mortgage's counsel immediately filed a motion to withdraw. In March 2008, the court granted counsel's motion, but indicated that if New World Mortgage was unable to obtain new counsel in within thirty days, the court would entertain a motion to reenter judgment by default. New World Mortgage failed to obtain counsel and, on July 21, 2008, the court entered a default judgment against the company for the second time.

Although the court has had contact with Laurence Miscall, an attorney in California who had previously represented the company, Mr. Miscal has made it clear that he no longer represents New World Mortgage or its officers. Accordingly, granting the plaintiff's instant motion against this defaulting defendant would be futile. Counsel for the plaintiffs has not indicated whether or not he attempted to contact Mr. Miscal for the addresses, but he certainly can seek to obtain those addresses from him through non-party discovery.

Dated: Central Islip, New York
December 22, 2009

SO ORDERED:

/s/
ARLENE R. LINDSAY
United States Magistrate Judge