

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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WARNER BROTHERS RECORDS, Inc.,

Plaintiff,

MEMORANDUM OPINION
AND ORDER

-against-

04 Civ. 9583 (MGC)

THIRD POWER ENTERPRISES, INC.,
COLD CHILLIN' RECORDS AND VIDEO,
INC., TYRONE WILLIAMS, AND JOHN
DOES 1-60,

Defendants.

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APPEARANCES:

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Cedarbaum, J.

Cold Chillin' Records and Video, Inc., and Third Power Enterprises, Inc. move under Fed R. Civ. P. 55(c) and 60 to vacate a default judgment entered against them more than six years ago in April of 2006. At oral argument on October 18, 2012, I gave defendants leave to submit evidence that Reprise Records was a separate corporation rather than a department or label of Warner Brothers Records, Inc. Defendants have been unable to submit such evidence. Defendants have therefore failed to carry their burden to show that Reprise Records is an indispensable party to this action. Accordingly, defendants' extremely untimely motion to vacate the default judgment entered on April 4, 2006 is denied.

SO ORDERED.

Dated: New York, New York
February 21, 2013

S/ _____
MIRIAM GOLDMAN CEDARBAUM
United States District Judge