

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

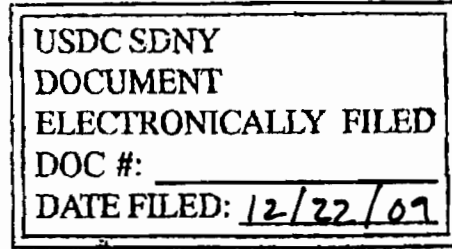
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PEARSON EDUCATION, INC., ET AL.,

Plaintiffs,

-against-

MARTHA VERGARA D/B/A TESTBANK GURU :  
D/B/A TEST BANK ZONE & JOHN DOE NOS. 1-5,

Defendants.  
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**ORDER**

09 Civ. 6832 (JGK)(KNF)

KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE

1. United States District Judge John G. Koeltl has referred this matter to me so that an inquest may be held, in order to determine what amount of damages, if any, should be awarded to the plaintiffs, by the defendant Martha Vergara d/b/a Testbank Guru d/b/a Test Bank Zone (“the defendant”);
2. I direct the plaintiffs to prepare and file, with a courtesy copy sent timely to my chambers, proposed findings of fact and conclusions of law, as well as an inquest memorandum, accompanied by supporting affidavits and exhibits, setting forth proof of damages, costs of this action, including any applicable interest and/or attorney’s fees (and to serve same upon the defendant), on or before January 25, 2010;
3. I direct the defendant to prepare and file, with a courtesy copy sent timely to my chambers, any opposing memorandum, affidavits and exhibits, as well as any alternative findings of fact and conclusions of law (and to serve same upon the

plaintiffs), on or before February 26, 2010;

4. In these papers, the defendant shall state whether she requests a hearing for the purpose(s) of: (a) cross-examining the plaintiffs' affiants, and/or (b) calling her own witness(es), and, if so, the defendant shall state the name and address of each witness she intends to examine;
5. If a hearing is requested by any party, a date for the hearing shall be fixed by the Court and provided to the parties; and
6. If no request for a hearing is made by any party within 45 days of service of the plaintiffs' inquest submissions, I shall make my decision based solely upon the memoranda and affidavits, without any oral argument.
7. The plaintiffs shall serve a copy of this Order on the defendant and file proof of service with the court.

Dated: New York, New York  
December 22, 2009

SO ORDERED:

  
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KEVIN NATHANIEL FOX  
UNITED STATES MAGISTRATE JUDGE