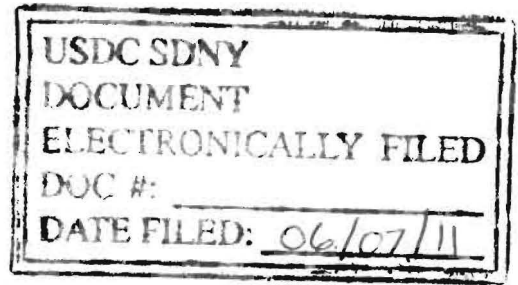


UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK



-----X

|                           |   |                       |
|---------------------------|---|-----------------------|
| UNITED STATES OF AMERICA, | : |                       |
|                           | : |                       |
| Plaintiff,                | : | 10 Civ. 8521 (TPG)    |
|                           | : |                       |
| - against -               | : | <b><u>OPINION</u></b> |
|                           | : |                       |
| ART CONSTRUCTION, INC.,   | : |                       |
|                           | : |                       |
| Defendant.                | : |                       |
|                           | : |                       |
| -----X                    |   |                       |

Plaintiff United States of America (the “Government”) brought this suit on November 12, 2010, alleging that defendant Art Construction, Inc. owes money on two delinquent debts arising from workplace safety violations identified by the Occupational Safety and Health Administration. The Government states that defendant owes the United States \$25,987.66 for penalties, interest, and administrative costs associated with defendant’s workplace safety violations and \$177.50 for serving the defendant. Defendant has not responded to the complaint.

The Government moves for default judgment.

The court may enter a default judgment when a party against whom affirmative relief is sought has “failed to plea or otherwise defend.” Fed. R. Civ. P. 55. Where defendant was served but failed to answer and the time to do so has expired, plaintiff is entitled to a default judgment.


Fed. R. Civ. P. 12(a)(1); United States v. Wagner, 235 F. Supp. 854, 855-56 (S.D.N.Y. 1964).

The Government served defendant with a copy of the summons and complaint on November 22, 2010. Proof of service was filed with the court on December 27, 2010. Defendant has not entered a notice of appearance or filed an answer or otherwise moved with respect to the complaint, and the time for it to do so has passed. On May 19, 2011, the Clerk of Court issued a Certificate of Default.

The Government's motion for a default judgment against defendant is granted. Judgment should be entered in the amount of \$26,165.16.

SO ORDERED.

Dated: New York, New York  
June 7, 2011

  
Thomas P. Griesa  
U.S.D.J.