

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

CAPITOL RECORDS LLC,

Plaintiff,

-v-

REDIGI INC., *et al.*,

Defendants.

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DOC #:
DATE FILED: 8.9.16No. 12-cv-95 (RJS)
ORDERRICHARD J. SULLIVAN, District Judge:

On June 3, 2016, the parties filed a stipulated final judgment in this action. (Doc. No. 222.) On July 8, 2016, Plaintiff filed a motion to register the judgment against Defendants in Massachusetts, Florida, and California. (Doc. No. 243). On July 21, 2016, the Court extended the deadline for Defendants' response to the motion from July 22, 2016 to August 5, 2016. (Doc. No. 251.) To date, however, Defendants have not filed a response to Plaintiff's motion for the registration of the judgment in other districts. On August 4, 2016, the Court received notice that Defendants ReDigi, Inc. and John Ossenmacher have sought bankruptcy protection under Title 11 of the United States Code. (Doc. No. 259.) Pursuant to the automatic stay provision in 11 U.S.C. § 362, this action has been stayed with respect to those Defendants. (Doc. No. 261.) Nevertheless, Plaintiff submitted a letter on August 8, 2016, requesting that the motion to register the judgment be modified so as to only seek registration in Massachusetts of the judgment against Defendant Lawrence Rogel, a/k/a Larry Rudolph, who has not filed for bankruptcy. (Doc. No. 260.) For the reasons stated below, the Court grants Plaintiff's motion to register the judgment against Defendant Rogel in Massachusetts.

Pursuant to 28 U.S.C. § 1963, “[a] judgment in an action for the recovery of money or property entered in any . . . district court . . . may be registered by filing a certified copy of the judgment in any other district . . . when ordered by the court that entered the judgment for good cause shown.” Good cause may be established by “a mere showing that the defendant has substantial property in the other district and insufficient in the rendering district to satisfy the judgment.” *BC Media Funding Co. II v. Lazauskas*, No. 08-cv-6228 (RPP), 2009 WL 290526, at *4 (S.D.N.Y. Feb. 6, 2009) (quoting *Owen v. Soundview Fin. Grp., Inc.*, 71 F. Supp. 2d 278, 279 (S.D.N.Y. 1999)); *see also Fasolino Foods Co. v. Banca Nazionale Del Lavoro*, No. 90-cv-334 (JMC), 1991 WL 107440, at *1 (S.D.N.Y. June 7, 1991) (same). However, a party seeking registration of a judgment “need not show exact evidence of assets and registration may be granted upon a lesser showing.” *Owen v. Soundview Fin. Grp., Inc.*, 71 F. Supp. 2d 278, 279 (S.D.N.Y. 1999) (internal quotation marks omitted). Indeed, an affidavit in support of such a motion may be sufficient to establish good cause where a debtor fails to offer any evidence to contradict it. *Id.*

Having reviewed the Declaration of Richard S. Mandel, dated July 8, 2016 (Doc. No. 245), the Court is satisfied that Plaintiff has not been able to locate any assets for Defendant Rogel in New York. *See BC Media Funding Co. II*, 2009 WL 290526, at *4 (citing plaintiffs’ declaration that they could not locate assets in the district of the judgment). Rather, Plaintiff’s investigation indicates that Defendant Rogel, who is a professor at the Massachusetts Institute of Technology, resides in a home in Massachusetts, which he owns with his wife. (Doc. No. 245.) As such, the Court finds that Plaintiff has shown cause for the registration of the judgment against Defendant Rogel in Massachusetts based on Defendant Rogel’s lack of assets in New York and the fact that he does appear to have substantial property in Massachusetts.

Accordingly, IT IS HEREBY ORDERED THAT Plaintiff's motion to register the judgment against Defendant Rogel in Massachusetts is GRANTED. Plaintiff may register the judgment against Defendant Rogel in Massachusetts.

SO ORDERED.

Dated: August 9, 2016
New York, New York



RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE