

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ASESORAL BUSINESS PARTNERS, LLC,

Plaintiff,

-v-

SEATECH WORLDWIDE CORPORATION, ALLIANCE
FISHERIES, INC., and JESUS DELGADO,

Defendants.

CIVIL ACTION NO.: 19 Civ. 11512 (AJN) (SLC)

ORDER**SARAH L. CAVE**, United States Magistrate Judge:

On March 11, 2021, this matter was referred to me to conduct an inquest and to issue a report and recommendation concerning Plaintiff's damages and attorneys' fees. (ECF No. 37). On March 12, 2021, the Court directed Plaintiff to submit proposed findings of fact and conclusions of law concerning damages. (ECF No. 38 (the "March 12, 2021 Order")). Plaintiff was also directed to serve the March 12, 2021 Order on Defendants and to file proof of service. (*Id.* at 2). The Court extended Plaintiff's filing deadline by Orders dated April 19, 2021 and May 18, 2021. (ECF Nos. 41, 42). On June 4, 2021, in response to an Order to Show Cause (ECF No. 43),¹ Plaintiff filed its proposed Findings of Fact and Conclusions of Law as to Damages. (ECF No. 45). However, Plaintiff has not filed proof that it served any of the Court's Orders on Defendants.

Accordingly, the Court orders as follows:

1. Plaintiff is directed to serve this Order on Defendants and to file proof of service by no later than **June 11, 2021**.

¹ Plaintiff's filings at ECF Nos. 44 and 45 resolve the Court's Order to Show Cause.

2. Defendants shall submit their response, if any, to Plaintiff's submissions no later than **June 25, 2021**. IF DEFENDANTS (1) FAIL TO RESPOND TO PLAINTIFF'S SUBMISSIONS, OR (2) FAIL TO CONTACT MY CHAMBERS BY JUNE 25, 2021 AND REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES BASED ON PLAINTIFF'S WRITTEN SUBMISSIONS ALONE WITHOUT AN IN-COURT HEARING. See Transatlantic Marine Claims Agency, Inc. v. Ace Shipping Corp., 109 F.3d 105, 111 (2d Cir. 1997) ("[I]t [is] not necessary for the District Court to hold a hearing, as long as it ensured that there was a basis for the damages specified in a default judgment." (quoting Fustok v. ContiCommodity Servs. Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Dated: New York, New York
June 7, 2021

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge