

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SHI MING CHEN, *on his own behalf and on behalf of others similarly situated*, and GENG LIJUN,

Plaintiffs,

-against-

CANTEEN 82 INC., *doing business as* Canteen 82, STEAM NOODLE HOUSE, INC., *doing business as* Steam, STEAMER DUMPLING HOUSE INC., *doing business as* Steamer Restaurant, ALLEN LI, YEH P. CHING, SONG ZHENG, and CHING P YEH, *also known as* Yeh P. Ching,

Defendants.

ORDER

20 Civ. 4324 (PGG) (SDA)

PAUL G. GARDEPHE, U.S.D.J.:

The Complaint was filed on June 6, 2020. (Cmplt. (Dkt. No. 1)) On June 9, 2020, this case was referred to Magistrate Judge Stewart D. Aaron for general pretrial supervision. (Dkt. No. 7) On September 29, 2020, following a telephone conference in which only Plaintiff appeared, Judge Aaron directed Plaintiff to seek certificates of default from the Clerk of Court with respect to the Defendants that had not appeared. (Dkt. No. 22)

On October 20, 2020, the Clerk issued certificates of default as to Yeh P. Ching, Allen Li, Song Zheng, Canteen 82 Inc., Steam Noodle House Inc., and Steamer Dumpling House Inc. (Dkt. Nos. 31-36) On October 27, 2020, this Court directed Plaintiff to move for a default judgment no later than November 27, 2020. (Dkt. No. 37)

On November 27, 2020, Plaintiff Shi Ming Chen filed an amended complaint, which substitutes Ching P. Yeh as a defendant, in place of Yeh P. Ching. (Am. Cmplt. (Dkt. No.

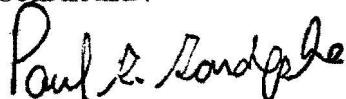
38)) That same day, Plaintiff requested an extension of time to move for a default judgment. (Dkt. No. 40)

On December 1, 2020, this Court extended Plaintiff's time to move for a default judgment to January 31, 2021. (Dkt. No. 42) To date, Plaintiff has not moved for a default judgment, and has not filed proof of service as to Defendant Ching P. Yeh.

Accordingly, any motion for a default judgment is to be filed by **March 2, 2021**, in accordance with Rule VIII of this Court's individual rules of practice, which are available on the Court's website. If Plaintiff does not move for a default judgment by **March 2, 2021**, this case **will be dismissed for failure to prosecute.**

Dated: New York, New York
February 16, 2021

SO ORDERED.



Paul G. Gardephe
United States District Judge