

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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PRL USA HOLDINGS, INC.,

Plaintiff,

20-cv-10201 (PKC)

-against-

ORDER

PRESTIGE AMERICA LLC, NIGHAT A.
SYED, HASHIM R. SYED, DOES-10, ZESHAN
SYED and ZARA LINEN, LLC,

Defendants.

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CASTEL, U.S.D.J.

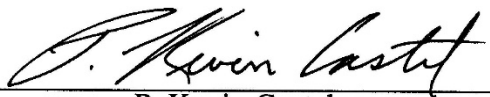
Plaintiff was warned in the Court’s March 28, 2024 Order that the consequences of a failure to show cause why the action against the Non-Bankrupt Defendants ought not be dismissed would be dismissal. Plaintiff received Clerk’s Certificates of Default against these defendants on June 27, 2022, now over two years ago. On April 12, 2024, in plaintiff’s response to the Order to show cause, plaintiff failed to explain why it had not moved for a default judgment against these defendants or taken any other action to proceed with the action against them. No pre-motion letter was required for a motion for a default. (Individual Practices at para. 3(A)(i)(d).) The length of delay is significant even though there is no demonstrable prejudice to the Non-Bankrupt Defendants.

While plaintiff’s April 12, 2024 response expressed an intent to move for a default judgment against the Non-Bankrupt Defendants, plaintiff has made no submission to the Court in the ensuing two-and-a-half months.

The claims against the Non-Bankrupt Defendants Zeshan Syen and Zara Linen LLC are dismissed for failure to prosecute. Rule 41(b), Fed. R. Civ. P.

The Clerk is requested to administratively close the action which contains stayed claims against the bankrupt defendants, subject to reopening upon the lifting of the automatic stay or the termination of the bankruptcy proceeding with the claims not discharged.

SO ORDERED.



P. Kevin Castel
United States District Judge

Dated: New York, New York
July 8, 2024