

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JOSE QUEZADA, *on behalf of himself and all others* :
similarly situated, :

Plaintiff, :

20 Civ. 10459 (JPC)

-v- :

ORDER

KEVIN, INC., :

Defendant. :

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JOHN P. CRONAN, United States District Judge:

Plaintiff Jose Quezada filed the Complaint in this action on December 10, 2020. (Dkt. 1.) The docket sheet reflects that Defendant Kevin, Inc. was served with the Complaint on December 21, 2020, making its answer due by January 11, 2021. (Dkt. 5.) To date, Defendant has failed to appear in this action or answer the Complaint.

It is hereby ORDERED that no later than March 8, 2021, Plaintiff shall move for default judgment as to Defendant, in accordance with Local Civil Rule 55.2 and 3.F of the Court’s Individual Rules and Practices for Civil Cases. Pursuant to this Court’s Individual Rules, Plaintiff must serve his motion for default judgment and supporting paperwork on Defendant and file an Affidavit of Service on ECF by March 22, 2021. Defendant shall file any opposition to the motion for default judgment no later than April 5, 2021. Plaintiff shall file any reply no later than April 12, 2021.

It is further ORDERED that Defendant appears and shows cause at a hearing before this Court on April 21, 2021, at 10:30 a.m., why an order should not be issued granting a default judgment against Defendant. That hearing shall take place telephonically. At the scheduled time, counsel for all parties should call (866) 434-5269, access code 9176261. In the event that Defendant

does not appear, Plaintiff's counsel should be prepared to discuss any communications with Defendant or representatives for Defendant regarding this litigation and any intent to challenge the suit, including discussions about the alleged illegal conduct prior to the filing of the lawsuit; how Defendant was served with the Summons and Complaint and this Order; why Plaintiff's counsel is confident that Defendant has been served with those documents and has notice of the hearing; and the method for calculating damages. In the event that Defendant appears in this case and opposes the motion for default judgment prior to the scheduled court appearance on April 21, 2021, that court appearance shall also serve as an Initial Case Management Conference pursuant to 5.B of the Court's Individual Rules and Practices in Civil Cases in the event the Court declines to issue a default judgment at the hearing.

It is further ORDERED that Plaintiff serve Defendant via overnight courier with a copy of this Order within one week of the date of this Order. Within two business days of service, Plaintiff must file proof of such service on the docket.

SO ORDERED.

Dated: February 16, 2021
New York, New York



JOHN P. CRONAN
United States District Judge