

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
THEATRICAL DRIVERS AND HELPERS LOCAL
UNION NO. 817, INTERNATIONAL
BROTHERHOOD OF TEAMSTERS,

Petitioner,

-v-

BNM PRODUCTION SERVICES, INC., d/b/a
"Ricky Rush,"

Respondent.

CIVIL ACTION NO.: 21 Civ. 1755 (AJN) (SLC)

SCHEDULING ORDER

SARAH L. CAVE, United States Magistrate Judge.

This matter having been referred to me to issue a report and recommendation concerning Petitioner's Motion for Default Judgment, which seeks entry of judgment awarding Petitioner damages in the amount of \$ 38,837.82 (the "Motion") (ECF Nos. 19–20), it is hereby **ORDERED** that:

1. Respondent shall submit its response to Petitioner's Motion, no later than **Friday, December 17, 2021**. IF RESPONDENT (1) FAILS TO RESPOND TO PETITIONER'S MOTION, OR (2) FAILS TO CONTACT MY CHAMBERS BY FRIDAY, DECEMBER 17, 2021 TO REQUEST AN IN-COURT HEARING, I INTEND TO ISSUE A REPORT AND RECOMMENDATION BASED ON PETITIONER'S MOTION 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 Services Inc., 873 F.2d 38, 40 (2d Cir. 1989))).

Petitioner is directed to serve this Order on Respondent and file proof of service by no later than **Monday, November 29, 2021**.

Dated: New York, New York
November 18, 2021

SO ORDERED.



SARAH L. CAVE
United States Magistrate Judge