

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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RUTGERS CASUALTY INSURANCE COMPANY, :
Plaintiff, :
-v- : 22-CV-5310 (JMF)
FT HARDWOOD FLOORS & CONSTRUCTION, INC. :
et al., :
Defendants. :
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JESSE M. FURMAN, United States District Judge:

On August 16, 2022, Plaintiff filed a motion for entry of a default judgment under Rule 55(b)(2) of the Federal Rules of Civil Procedure and Local Civil Rule 55.2(b). *See* ECF No. 17. A default judgment hearing is currently scheduled for September 22, 2022, at 3:00 p.m.

“It is well settled that a court may not properly enter a default judgment unless it has jurisdiction over the party against whom the judgment is sought, which means that [each defendant] must have been effectively served with process.” *Cont'l Indem. Co. v. Bulson Mgmt., LLC*, No. 20-CV-3479 (JMF), 2022 WL 1747780, at *2 (S.D.N.Y. May 31, 2022) (internal quotation marks omitted). No later than **September 20, 2022**, Plaintiff shall submit a letter brief addressing whether service on Rochdale Insurance Company by first class mail addressed to the New York State Department of Financial Services was proper. *See* ECF No. 18, ¶ 12; *see also*, e.g., *Obot v. Citibank S. Dakota, N.A.*, 347 F. App'x 658, 659–60 (2d Cir. 2009) (“Obot’s attempt to serve Citibank by mailing the complaint . . . did not effect service under New York Civil Practice Law and Rules (“CPLR”) § 311 or § 312-a. Section 311(a)(1) requires that personal service be made on a corporation’s officer or agent. Although § 312-a provides for service by mail, . . . [s]ervice under this section is not complete *until the signed acknowledgment of receipt is mailed back to the sender*. *See* § 312-a(b).” (emphasis added)). Alternatively, Plaintiff may move, by letter motion, to adjourn the default judgment hearing to cure any service problems.

SO ORDERED.

Dated: September 16, 2022
New York, New York


JESSE M. FURMAN
United States District Judge