

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

STEPHEN YANG,

Plaintiff,

-v.-

RXHOME NYC LLC,

Defendant.

22 Civ. 7816 (KPF)

**ORDER**

KATHERINE POLK FAILLA, District Judge:

On October 25, 2022, the Clerk of Court entered a certificate of default in this case against the Defendant. (Dkt. #12). Accordingly, Plaintiff is **ORDERED** to submit a proposed order to show cause without emergency relief and supporting papers for a default judgment, in line with the Court's Individual Rules of Practice. Plaintiff shall submit its proposed order and supporting papers by **December 2, 2022**.

SO ORDERED.

Dated: November 18, 2022  
New York, New York



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KATHERINE POLK FAILLA  
United States District Judge

## **ATTACHMENT A**

### **DEFAULT JUDGMENT PROCEDURE**

1. Obtain a Certificate of Default from the Clerk's Office for each defaulting party stating that no answer or response has been filed, and in accordance with the SDNY Electronic Case Filing Rules & Instructions, available at <https://nysd.uscourts.gov/electronic-case-filing>.
2. After the Clerk's Office enters a signed Clerk's Certificate of Default on the docket, electronically file on ECF a proposed Order to Show Cause Without Emergency Relief using the filing event found under PROPOSED ORDERS.
  - a. The Proposed Order to Show Cause for default judgment is to be made returnable before Judge Failla in Courtroom 618. Leave blank the date and time of the conference. Judge Failla will set the date and time when she signs the Order.
3. Electronically file on ECF, as separate ECF filing events, the following supporting papers with the Proposed Order to Show Cause.
  - a. An attorney's affidavit setting forth:
    - i. the basis for entering a default judgment, including a description of the method and date of service of the Summons and Complaint (include as attachments copies of all pleadings and the affidavit of service of the Summons and Complaint);
    - ii. the procedural history beyond service of the Summons and Complaint, if any; and
    - iii. whether, if the default is applicable to fewer than all of the defendants, the Court may appropriately order a default judgment on the issue of damages prior to resolution of the entire action.
  - b. A statement setting forth the proposed damages and the basis for each element of damages, including interest, attorney's fees, and costs (unless requesting an inquest). If not requesting an inquest, include the legal authority for why an inquest into damages would be unnecessary.
  - c. A proposed default judgment.

4. Once electronically filed, a courtesy copy of the Proposed Order to Show Cause and the supporting papers must also be provided to Chambers via e-mail.
5. After the Judge signs the Order, and it is electronically filed on ECF, serve a conformed copy of the Order and supporting papers on the defendant.
6. Prior to the return date, file an affidavit of service, reflecting that the defendant was served with the Order to Show Cause and supporting papers, via ECF.