

MEMO ENDORSEDUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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SILK CONTAINER LINES, Ltd.	:	1:23-cv-07170
	:	
Plaintiff,	:	
	:	
Against	:	AFFIRMATION IN SUPPORT OF
	:	MOTION FOR A DEFAULT
	:	JUDGMENT
DBEBZ APPAREL LLC,	:	
Defendant.	:	
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Terry L, Stoltz, hereby affirms and declares the following:

1. I am an attorney at law, duly admitted to practice before this Court, and I am associated with the firm of Nicoletti Hornig & Sweeney, attorneys for Plaintiff Silk Container Lines, Ltd. in this action and I am fully familiar with the factual circumstances and prior pleadings herein by reason of my participation in the proceedings and the file maintained in our office.

2. This affirmation in made in support of the motion of Plaintiff, pursuant to Rule 55(b)(2) of the Federal Rule of Civil Procedure, to entry of a default judgment against Defendant Dbebz Apparel LLC.

JURISDICTION AND PROCEDURAL HISTORY

3. This Court has jurisdiction over the subject matter of this action under 28 U.S.C. Sect. 1333 and as it is an admiralty and maritime claim under Rule 9(h) of the Federal Rules of Civil Procedure. A copy of the Complaint is annexed as Exh. 1.

4. This Court has personal jurisdiction over the defaulting Defendant Dbebz Apparel LLC because the action arises out of a carriage of cargo through the Port of New York.

5. Plaintiff commenced this action by filing a Complaint against Defendant Dbebz Apparel LLC for failure to pay the freight due for the carriage.

6. The Clerk of the Court issued a Summons for Defendant Dbebz Apparel LLC on August 16, 2023. Service was effected on Defendant Dbebz Apparel LLC on November 16, 2023 by serving its registered agent David Bebon.

7. Defendant Dbebz Apparel LLC has not appeared, answered or otherwise moved with respect to the Complaint and has not been granted any extension of time to respond to the Complaint. The time for appearing, answering or moving with respect to the Complaint has expired.

8. Defendant Dbebz Apparel LLC is not an infant or incompetent. Defendant Dbebz is not presently in the military service of the United States.

9. On May 15, 2024, the Clerk of the Court entered a Certificate of Default against Defendant Dbebz Apparel LLC. A copy is attached as Exhibit 2.

IN SUPPORT OF THE DEFAULT JUDGMENT

10. For the reasons set forth in the Complaint and in the accompanying Affirmation of Sorowar Alam, Plaintiff has sustained damages as a result of Defendant Dbebz Apparel LLC's failure to pay the ocean freight due for the carriage.

11. No payment on account of the ocean freight has been paid, though duly demanded.

12. Pre-judgment simple interest a 9% per year (N.Y.C.P.L.R. Sect. 5004) on the sum of \$84,810.00 accrues at \$20.91 per day since May 5, 2022 (the date the freight was to be paid).

WHEREFORE, Plaintiff Silk Container Lines, Ltd. prays entry of a judgment be entered against Defendant Dbebz Apparel LLC in the amount of \$84, 810.00 plus pre-judgment interest in

the amount of \$20.91 per day from May 5, 2022 through the date of entry of the Judgment plus costs and post-judgment interest according to the law from the date of the judgment until the entire amount is paid.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 28, 2024.

s/Terry L. Stoltz
Terry L. Stoltz

The motion is denied without prejudice. Silk Container is again directed to follow the default judgment procedure that is set out in Attachment A of the undersigned's Individual Practices (which requires a party seeking default judgment to submit a proposed order to show cause and attach certain supporting papers). The Clerk of Court is respectfully directed to terminate the motion, Doc. 17. SO ORDERED.



Edgardo Ramos, U.S.D.J.

Dated: August 29, 2024

New York, New York