

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
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ELECTRONICALLY FILED
DOC #:
DATE FILED: 11/22/19

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UNITED STATES OF AMERICA, :
 : Plaintiff, :
 : :
v. :
 : :
JIFFY CLEANERS OF HARTSDALE, INC. :
and WILTON CALDERON, :
 : Defendants. :
-----X

ORDER

16 CV 2428 (VB)

Pending before the Court is plaintiff’s motion to hold defendants in civil contempt and for sanctions, for defendants’ failure to comply with the Court’s May 31, 2017, Default Judgment. (Doc. #20).

“Due process requires that before being held in contempt, a party must have notice that it is a defendant in a contempt hearing.” Drywall Tapers & Pointers of Greater N.Y., Local 1974 of I.B.P.A.T. AFL-CIO v. Local 530 of Operative Plasterers & Cement Masons Int’l Ass’n, 889 F.2d 389, 394 (2d Cir. 1989); see also Z-Int’l, Inc. v. Z Line Int’l, Inc., 2005 WL 1580609, at *4 (S.D.N.Y. July 6, 2005) (“Before imposing sanctions on a person charged with civil contempt, due process requires that the person receive notice and an opportunity to be heard.”).

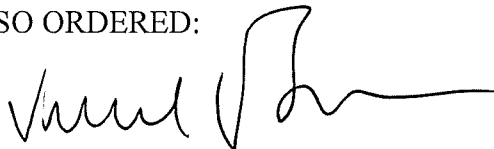
Accordingly, it is HEREBY ORDERED:

1. By December 2, 2019, plaintiff shall file proof of service on defendants of the instant motion.
2. If defendants have not yet been served, plaintiff shall effectuate service by December 23, 2019, and file proof of service of same.
3. If defendants have already been served, their opposition to the instant motion is due December 13, 2019. If defendants have not already been served, their opposition is due 21 days after they are served.

4. By December 2, 2019, plaintiff shall serve a copy of this Order on defendants, and file proof of service of same.

Dated: November 22, 2019
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read "Vincent L. Briccetti", with a long horizontal flourish extending to the right.

Vincent L. Briccetti
United States District Judge