

**UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO**

ANA MARIE DELGADO, et al.,)	
)	
Plaintiffs,)	
)	
v.)	Docket no. 3:14-cv-1735
)	
DORADO HEALTH INC. d/b/a MANATI)	
MEDICAL CENTER, et al.,)	
)	
)	
Defendants.)	

ORDER ON MOTION FOR ENTRY OF DEFAULT

Before the Court are Plaintiff’s Motion for Entry of Default Against Co-Defendant Dr. Juan Perez Rosado For Noncompliance (ECF No. 375), Defendant’s Motion on Order to Show Cause (ECF No. 381), as well as the reserved ruling portion of Plaintiff’s earlier Informative Motion regarding the Joint Proposed Pretrial Order (ECF No. 373).

Having reviewed Defendant’s Motion on Order to Show Cause, which was filed in response to these Plaintiff’s Motions and the Court’s January 31, 2018 & February 5, 2018 Orders (ECF Nos. 374 & 377), the Court DENIES Plaintiff’s Motion for Default and, to the extent that it reserved ruling on Plaintiff’s Earlier Motion, this Motion is also now DENIED IN PART. The Court concludes that Counsel for Dr. Perez Rosado failed to comply with the February 2, 2018 deadline as a result of their misunderstanding of the Court’s Order and the need to affirmatively inform Plaintiffs’ Counsel of their position on the Proposed Pretrial Order. The Court agrees that the just sanction under such circumstances is not entry of default. However, the Court will allow Plaintiff’s Counsel to seek the attorney’s fees and costs associated with the filing of the Motion for Default (ECF No. 375) as a sanction for Defense Counsel’s failure to comply with the Court’s

orders. Any such motion for itemized fees and costs associated with the Motion for Entry of Default shall be filed within ten days of the conclusion of trial proceedings in this matter. Beyond the possible award of fees and costs, the Court accepts and GRANTS Defendant's Motion (ECF No. 381) and terminates its Order to Show Cause (ECF No. 377).

SO ORDERED.

/s/ George Z. Singal
United States District Judge

Dated this 12th day of February, 2018.