

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Nutramax Laboratories, Inc., and) C/A No.: 0:17-2174-MGL-SVH
Nutramax Laboratories Consumer)
Care, Inc.,)
)
Plaintiffs,)
)
vs.) ORDER
)
Joint-Health-Reviews.com and)
John Doe,)
)
Defendants.)
)

This matter comes before the court on Plaintiffs' motion for default judgment as to Defendant Joint-Health-Reviews.com ("J-H-R"). [ECF No. 10]. The motion was referred to the undersigned by order of the Honorable Terry L. Wooten, Chief United States District Judge,¹ dated November 6, 2017. [ECF No. 13].

Plaintiffs filed proof of service on September 1, 2017.² [ECF No. 7]. Plaintiffs requested an entry of default against J-H-R on September 14, 2017, asserting that it was served with copies of the summons and complaint on August 21, 2017, and had failed to answer or otherwise plead. [ECF No. 8].

¹ The case was subsequently reassigned to the Honorable Mary Geiger Lewis, United States District Judge. [ECF No. 15].

² A FedEx proof-of-delivery form indicates the summons and complaint were delivered to 900 S. Figueroa St, Los Angeles, CA 90015, and were signed for by "A. SANCHEZ." [ECF No. 7 at 3].

The clerk entered default against J-H-R on September 15, 2017. [ECF No. 9]. Default having been entered against J-H-R, it is deemed to have admitted the factual allegations of the complaint against it. All that remains is assessing the amount of damages.

Pursuant to Rule 55(b)(2), Fed. R. Civ. P., “[t]he court may conduct hearings or make referrals—preserving any federal statutory right to a jury trial—when, to enter or effectuate judgment, it needs to . . . (B) determine the amount of damages.” Because Plaintiffs have not presented evidence to the court as to the amount of damages, a hearing is required. The court permits Plaintiffs until April 24, 2018, to take limited discovery to better ascertain J-H-R’s profits. The court directs Plaintiffs to supplement their motion for default judgment, explaining the type and amount of damages they seek by May 8, 2018. A hearing will be scheduled thereafter.

The clerk is directed to send a copy of this order, together with a copy of the order directing Defendant to file a response in opposition to Plaintiffs’ motion for default judgment [ECF No. 12] to J-H-R at the address at which it was served with the summons and complaint.

IT IS SO ORDERED.



February 23, 2018
Columbia, South Carolina

Shiva V. Hodges
United States Magistrate Judge