

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

ADVANCEME, INC.

Plaintiff,

vs.

**RAPIDPAY, LLC, BUSINESS
CAPITAL CORPORATION, FIRST
FUNDS LLC, MERCHANT MONEY
TREE, INC., REACH FINANCIAL,
LLC and FAST TRANSACT, INC. dba
SIMPLE CASH
Defendants.**

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CIVIL ACTION NO. 6:05cv424

ORDER

Before the Court is Plaintiff AdvanceMe, Inc.'s ("AdvanceMe") motion for default judgment against Defendant, Rapidpay LLC ("Rapidpay") (Doc. No. 33). The Court hereby sets AdvanceMe's motion for hearing on **Monday, October 30, 2006 at 9:00 am** before the Honorable John D. Love in the Federal Courthouse Tyler, Texas. This motion was previously set for hearing on June 7, 2006, and continued to June 15, 2006. AdvanceMe then notified the Court that Rapidpay had, in fact, filed for bankruptcy protection in the Southern District of New York, in case number 06-10453BRL. Upon notice of the bankruptcy proceeding and resulting stay, this Court canceled the hearing it had previously set on the motion for default.

On July 31, 2006, AdvanceMe notified the Court that Rapidpay had been dismissed from bankruptcy. AdvanceMe attached a copy of an Order Dismissing Chapter 11 Bankruptcy Pursuant to § 1112(B)(1) of the Bankruptcy Code, entered July 25, 2006 by the Honorable Burton R. Lifland, United States Bankruptcy Judge. Because of the dismissal of the bankruptcy, and the resulting lifting of the automatic stay, AdvanceMe reurged its Motion for Default Judgment against Rapidpay.

In setting the current hearing on the motion, the Court would again note that Rapidpay has

not filed anything with the Court since February 17, 2006 when its sole attorney in this matter, Guy Harrison, sought to withdraw as attorney (Doc. 18). The Court granted Mr. Harrison's motion on February 23, 2006 (Doc. 19). Rapidpay has not secured counsel to replace Mr. Harrison, so notice of filings has been sent to Rapidpay's president, Stephanie Nimberg, and general counsel, Lawrence Morrison, at 17 Battery Place, Suite 1330, New York, NY 10004. However, on May 22, 2006, notices sent to Ms. Nimberg and Mr. Morrison at this address were returned as undeliverable. (Doc. 54, 55). With little reason to believe notice of this order will reach Rapidpay, the Court requests that any party knowing of an address where Rapidpay may be reached contact the Court with that information.

So ORDERED and SIGNED this 8th day of September, 2006.



JOHN D. LOVE
UNITED STATES MAGISTRATE JUDGE