

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

**U-MVPINDEX, LLC d/b/a MVP  
GROUP, INC.,**  
*Plaintiff*

v.

**DANIEL J. GACETTA, JR.,**  
*Defendant*

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**Case No. 1:23-CV-01530-DII**

**ORDER**

Plaintiff U-MVPindex, LLC d/b/a MVP Group, Inc. filed this action on December 17, 2023. Dkt. 1. This Court issued summons to Defendant Daniel J. Gacetta, Jr. on December 18, 2023. Dkt. 4. Plaintiff served Defendant on January 2, 2024. Dkt. 5. To date, Defendant has not appeared in this action. On January 23, 2024, Plaintiff informed the Court that the parties were “engaged in productive settlement negotiations” and asked for an extension of Defendant’s time to respond to the Complaint. Dkt. 6 at 1. By Text Order entered January 24, 2024, the District Court extended Defendant’s time to file an answer to February 22, 2024. Defendant’s deadline to file an answer or otherwise respond has passed. When a party fails to timely plead or defend, it may be held in default. FED. R. CIV. P. 55(a).

Considering the parties have engaged in settlement negotiations, the Court **ORDERS** that Plaintiff either (a) file dismissal papers or (b) file a status report on or before **April 12, 2024**.

**SIGNED** on March 27, 2024.

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SUSAN HIGHTOWER  
UNITED STATES MAGISTRATE JUDGE