

TENTATIVE Order Regarding Motion for Entry of Default [87]

Before the Court is Plaintiffs Shutao Lin, Morning Star International Corporation (CT), and Morning Star International Corporation (NV)’s (collectively “Lin Plaintiffs”) Motion for Entry of Default against Defendant Office of the Transgabonais Railways (“Railways”). (Mot., Dkt. No. 87.)

For the following reasons, the Court **GRANTS** the Motion and the Court enters default against the Office of the Transgabonais Railways.

I. BACKGROUND

The parties are familiar with the facts of this case, so the Court recites the procedural background here only as necessary to resolve this Motion.

On September 3, 2019, Lin Plaintiffs filed this action against Defendant the Gabonese Republic (“Gabon”). (Dkt. No. 1.) On January 7, 2020, the clerk entered Gabon’s default (Dkt. No. 20) and on August 12, 2020, the Court entered default judgment (Dkt. No. 35). Years later, Gabon filed a Motion to Set Aside Judgement. (Dkt. No. 39.) The Court denied Gabon’s motion as moot and ordered that an amended complaint be filed. (Dkt. No. 56.) Lin Plaintiff’s First Amended Complaint against Gabon included a new defendant, Office of the Transgabonais Railways (collectively, “Defendants”). (Dkt. No. 57.) Defendants filed a Motion to Dismiss (Dkt. No. 67) and Lin Plaintiffs opposed (Dkt. No. 74). Before having the opportunity to reply, Defendants’ counsels withdrew. (Dkt. No. 76–78.) Defendants failed to appoint new counsel despite the Court’s order to show cause. (Dkt. No. 79.) Consequently, the Court issued an order to strike the Motion to Dismiss from the docket and reinstate the default judgment against Gabon, thereby closing the case. (Dkt. No. 80.) In this present Motion, Lin Plaintiffs request the Court to issue default against Railways. (Dkt. No. 87.)

II. DISCUSSION

When a party has failed to plead or otherwise defend, the clerk or court may enter the party's default. Fed. R. Civ. P. 55(a). Here, the time for Railways to file an answer to the First Amended Complaint ("FAC") expired on March 1, 2024, pursuant to Court's order to show cause. (Dkt. No. 79.) However, Railways failed to appoint new counsel or respond to the FAC. Thus, despite the case being closed by reinstating default judgment against Gabon, there is a lingering First Amended Complaint against Railways. Accordingly, the Court enters default against Railways.

III. CONCLUSION

For the foregoing reasons, the Court **GRANTS** the Motion and the Court enters default against the Office of the Transgabonais Railways.

IT IS SO ORDERED.