

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

ALBERTO JUSTO RODRIGUEZ
LICEA, FERNANDO ALONSO
HERNANDEZ, and LUIS ALBERTO
CASANOVA TOLEDO,

CASE NO. 06-22128-CIV-KING

Plaintiffs,

v.

CURACAO DRYDOCK COMPANY, INC.,
a/k/a CURACAOSE DOKMAATSCHAPPIJ
NV, a/k/a CDMNV,

Defendant.

**ORDER STRIKING DEFENDANT'S ANSWER AND
ENTERING DEFAULT JUDGMENT**

THIS CAUSE is before the Court upon Plaintiffs' Motion for Sanctions (D.E. # 98), filed July 16, 2008. Defendant's Response has not been filed and the time to do so has passed.

On July 16, 2008, the Court held a hearing on defense counsel's Motion to Withdraw and Attendant Motion for Stay (D.E. #93). The Court, in the presence of all parties, discussed the status of the case and found that Defendant could not be left without representation, thus denied defense counsel's Motion to Withdraw. The Court further ordered Defendant to obtain new counsel within 10 days from the date of the hearing and instructed Proskauer Rose LLP, counsel for Defendant, to file appropriate

motions and/or notice of their intentions, also within 10 days. An Order Denying Defendant's Motion to Withdraw (D.E. #99) was entered on July 21, 2008 reciting the rulings made by the Court at the July 16, 2008 hearing.

On July 30, 2008, the day the ten-day period given by the Court to obtain new counsel expired, a Notice was filed by Proskauer Rose LLP notifying the Court that it had been discharged by Defendant Curacao Drydock Company and was no longer authorized to make filings or make statements of intentions on behalf of Defendant. Since the receipt of Proskauer Rose's Notice, the Court has given Defendant an additional nine (9) days to file a Notice of Appearance from new counsel and/or show its intent to proceed with its defense. As of the date of this Order, the Defendant has failed to comply with several of the Court's Orders, namely retaining new counsel. The Court further notes that Defendant was also in noncompliance with the Court's ruling at the June 9, 2008 hearing, when it failed to appear for the Court-ordered depositions scheduled for July 9, 2008.

Based upon the foregoing, the Court finds that Defendant has abandoned the case by disobeying the Court's Orders and failing to obtain new counsel within the prescribed time period. The Court finds no alternative but to grant Plaintiff's Motion for Sanctions and order Defendant's pleadings to be stricken.

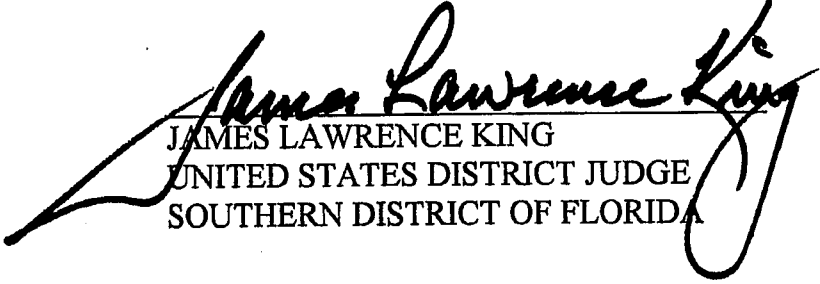
Accordingly, after a careful review of the record and being otherwise fully advised, it is

ORDERED, ADJUDGED and DECREED that Plaintiff's Motion for Sanctions

(D.E. #98) be, and the same is hereby, **GRANTED**. Defendant's pleadings in the above-styled matter shall be stricken from the record. It is further

ORDERED, ADJUDGED, and DECREED that the Clerk shall enter default judgment in favor of Plaintiffs as to the issue of liability. The above-styled matter shall proceed to trial on the issue of damages only, in accordance with the Court's January 18, 2008 Scheduling Order (D.E. #58), setting Pretrial Conference for October 24, 2008 and Trial on the Court's two-week calendar of November 17, 2008.

DONE and ORDERED in chambers at the James Lawrence King Federal Justice Building and United States Courthouse, Miami, Florida, this 8th day of August, 2008.


JAMES LAWRENCE KING
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF FLORIDA

cc:

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