

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION

GRISEL ALONSO, as Receiver for
Elm Tree Investment Advisors, LLC,
Elm Tree Investment Fund, LP,
Elm Tree 'e'conomy Fund, LP, and
Elm Tree Motion Opportunity, LP,

Case No. 16-62603-CIV-DIMITROULEAS
Proceeding Ancillary to
No. 15-CV-60082-Dimitrouleas/Snow

Plaintiff,

v.

JAMES BENVENUTO, an individual,
NGU INVESTORS, LLC, a Florida limited
liability company; JEAN BENVENUTO, an
individual, SURJIT WALIA, an individual,
S.W. EQUITIES CORP., a New York corporation,
TIMOTHY HARTMANN, an individual,
ALEXANDER BUKHSHTABER, an individual,
MVS MEDIA GROUP, LLC, a Florida limited
liability company, HARRY TAWIL, an individual,
EDUARDO DOS SANTOS, an individual,
FILOMENA CALABRIA, an individual,
JOSE ROFFE, an individual, MIREILLE ROFFE,
an individual, SOMESWARI NUKALA, an individual,
Yael Tapiero, an individual, LAAS W. TURNBULL,
an individual, OMRI TINTPULVER, an individual,
CONSTANTINO DOS SANTOS, an individual,
ARMAND DELMAR, an individual, AHMAD NAQVI,
an individual, MERCEDES ELMALEH, an individual,
ELIA BLUMIN, an individual, TED GREENWALD,
an individual, ALINA TALSKY, an individual,
ELVIS PERVAN, an individual,
ANGELO ISMIRNIOGLOU, an individual, and
JONATHAN VERK, an individual.

Defendants.

ORDER GRANTING MOTION TO SET ASIDE CLERK'S DEFAULT

THIS CAUSE is before the Court on the letter from Surjit Walia received in Chambers on May 16, 2017. [DE 111]. Defendant Surjit Walia sent the letter in response to the Court's

May 9, 2017 Order to Show Cause Why the Court Should Not Grant Motions for Final Default Judgment. [DE 108]. Surjit Walia asks that his letter “be deemed as a motion to vacate the default previously entered in this case and that I be afforded an opportunity to file an answer on behalf of S.W. Equities, Inc. and myself.” [DE 111]. The Court has reviewed the Motion [DE 111] and is otherwise fully advised in the premises.

The Court will vacate the Clerk’s Default entered against Surjit Walia on April 10, 2017 [DE 67], and deny the Motion for Default Judgment against Surjit Walia [DE 102].¹ The Court will also allow Surjit Walia additional time to respond to the Complaint. However, the Court cannot accept Surjit Walia’s letter as a response on behalf of S.W. Equities, Inc. Instead, S.W. Equities, Inc. must obtain an attorney to represent its interests. “It is well settled that corporations, partnerships, and limited liability companies are artificial legal entities that can act only through agents, cannot appear pro se, and must be represented by counsel.” *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir.1985).

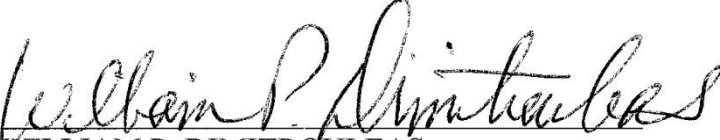
Accordingly, it is hereby **ORDERED** and **ADJUDGED** as follows:

1. The Motion to Set Aside Clerk’s Default and Motion for Extension of Time to Respond to Complaint [DE 111] is hereby **GRANTED IN PART**;
2. The Clerk is directed to **VACATE** the Clerk’s Entry of Default against Defendant Surjit Walia [DE 67];
3. The Motion for Default Judgment Against Surjit Walia [DE 102] is **DENIED**;
4. Defendant Surjit Walia shall file a response to the Complaint on or before **June 7, 2017**;

¹ The Motion for Default Judgment Against Surjit Walia [DE 102] is titled “Motion for *Clerk’s Entry of Default Judgment* Against Surjit Walia.” [DE 102 at 1]. However, the Court construes this Motion [DE 102] as a Motion for Default Judgment as the Clerk entered a Default against Surjit Walia prior to the filing of the Motion [DE 102], and the Motion [DE 102], other than the title, is styled as a Motion for Default Judgment.

5. S.W. Equities, Inc. has until **June 12, 2017** to obtain counsel, file a Notice of Attorney Appearance, and respond to the Complaint; failure to do so will result in the Court granting the Motion for Default Judgment Against S.W. Equities, Inc.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida,
this 17th day of May, 2017.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:
Counsel of record

S.W. Equities Corp.
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