

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 TO SHOW CAUSE FOR LACK OF PROSECUTION

THIS CAUSE is before the Court *sua sponte*.

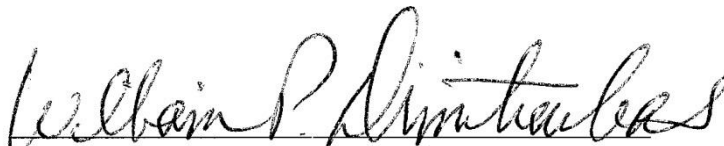
A court has the inherent power to *sua sponte* dismiss a case for lack of prosecution. *See Link v. Wabash Railroad Co.*, 370 U.S. 626, 630 (1962). Pursuant to Rule 41(b), a district court may dismiss a complaint for failure to prosecute or failure to comply with a court order or the federal rules. Fed. R. Civ. P. 41(b).

Plaintiff commenced this action on November 2, 2016. [DE 1]. On March 10, 2017, Plaintiff obtained a Clerk's Entry of Default against Defendants S.W. Equities Corp., James Benvenuto, Harry Tawil, Surjit Walia, Jean Benvenuto, Jonathan Verk, and NGU Investors, LLC. *See* [DE 67]. On March 14, 2017, Plaintiff obtained a Clerk's Entry of Default against Defendants Mercedes Elmaleh, Ahmad Naqvi, Elia Blumin, Armand Delmar, and Yael Tapiero. *See* [DE 82]. However, Plaintiff has not yet moved for a default judgment against Defendants.

Accordingly, it is **ORDERED AND ADJUDGED** as follows:

1. On or before **May 5, 2017**, Plaintiff shall either move for default judgment against Defendants listed in [DE 67] and [DE 82] or show cause why they have not done so; and
2. A failure to comply with this Order may result in immediate dismissal of this action without prejudice as to Defendants listed in [DE 67] and [DE 82].

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 28th day of April, 2017.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies furnished to:
Counsel of record