

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 16-62603-CIV-DIMITROULEAS

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,

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.

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**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).

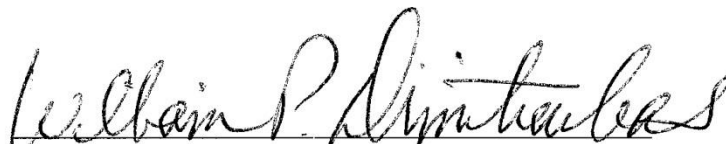
Defendants Constantino Dos Santos and Eduardo Dos Santos' responsive pleading was due on January 20, 2017. *See* [DE 19]. However, as of the date of this Order, Defendants have not responded.

If a defendant fails to respond to a complaint, the plaintiff may move for a Clerk's Entry of Default. *See* Fed. R. Civ. P. 55(a); [DE 14]. In this case, although Defendants have failed to timely respond, Plaintiffs have not yet moved for a Clerk's Entry of Default.

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

1. Plaintiffs, on or before **February 1, 2017**, shall either move for Clerk's Entry of Default or show cause why this action should not be dismissed as to Defendants Constantino Dos Santos and Eduardo Dos Santos for a lack of prosecution; and
2. A failure to comply with this Order will result in immediate dismissal of this action as to Constantino Dos Santos and Eduardo Dos Santos without prejudice.

**DONE AND ORDERED** in Chambers at Fort Lauderdale, Broward County, Florida,  
this 25th day of January, 2017.

  
WILLIAM P. DIMITROULEAS  
United States District Judge

Copies furnished to:  
Counsel of record