

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO.: 0:15-CV-60082-DIMITROULEAS/SNOW

SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,
vs.

FREDERIC ELM f/k/a FREDERIC ELMALEH,
ELM TREE INVESTMENT ADVISORS LLC,
ELM TREE INVESTMENT FUND LP,
ELM TREE 'E'CONOMY FUND LP, AND
ELM TREE MOTION OPPORTUNITY LP,

Defendants,
and

AMANDA ELM f/k/a AMANDA ELMALEH,

Relief Defendant.

**ORDER TO SHOW CAUSE FOR LACK OF PROSECUTION AS TO
DEFENDANTS ELM TREE INVESTMENT ADVISORS LLC,
ELM TREE INVESTMENT FUND LP, ELM TREE 'E'CONOMY FUND LP,
AND ELM TREE MOTION OPPORTUNITY LP**

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 January 15, 2015. [DE 1]. However, there is no evidence in the record that Defendants Elm Tree 'e'Conomy Fund LP, Elm Tree


Investment Advisors LLC, Elm Tree Investment Fund LP, and Elm Tree Motion Opportunity LP have yet responded to the Complaint.

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). In this case, although these four Defendants have failed to timely respond, Plaintiff has not yet moved for a Clerk's Entry of Default as to these Defendants.

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

1. Plaintiff, on or before **December 28, 2015**, shall either move for Clerk's Entry of Default against Defendants Elm Tree 'e'conomy Fund LP, Elm Tree Investment Advisors LLC, Elm Tree Investment Fund LP, and Elm Tree Motion Opportunity LP, or show cause why this action should not be dismissed for a lack of prosecution; and
2. A failure to comply with this Order may result in the dismissal of this action without prejudice as to Defendants Elm Tree 'e'conomy Fund LP, Elm Tree Investment Advisors LLC, Elm Tree Investment Fund LP, and Elm Tree Motion Opportunity LP.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 18th day of December, 2015.


WILLIAM P. DIMITROULEAS
United States District Judge

Copies provided to:
Counsel of Record