

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

SHARON ROSECRANS, et al.,)
)
 Plaintiffs,)
)
 v.) 1:16-cv-00452-JAW
)
AIRAMEDIC, LLC,)
)
 Defendant.)

ORDER DISMISSING SECOND MOTION FOR DEFAULT JUDGMENT

On October 25, 2016, the Court dismissed without prejudice the Plaintiffs' motion for default judgment. *Order Dismissing Mot. for Default J.* (ECF No. 9) (*Order*). In the order, the Court explained:

Here, the Court has no evidence to determine what, if any, damages the Plaintiffs actually sustained as a consequence of Airamedic's actions. Particularly in cases in which plaintiffs are demanding non-quantifiable damages, the Court requires plaintiffs to appear before it at a scheduled hearing and make the case for their damage claims by presentation of evidence. Also, once the hearing date, time and place have been scheduled, the Court requires the plaintiffs to notify the defaulted defendant so that if the defendant wishes to do so, it may appear and contest damages.

Here, as there is no evidence from which the Court could fashion a damages award, the Court is dismissing the motion for default judgment without prejudice to allow the Plaintiffs to refile the motion as they deem appropriate.

Id. at 2-3.

On November 22, 2016, the Plaintiffs filed a second motion for default judgment to which they attached two virtually identical affidavits in which each of

them states that she “assess[es] a value of \$100.00 per day since November 2015 for my emotional distress and related injuries for a total claim of \$36,500.00 per diem.” *Second Mot. for Default J.* (ECF No. 9) (*Second Mot.*), Attach. 1, *Aff. of Sharon Rosecrans* ¶ 11, Attach. 2, *Aff. of Lisa Weeks* ¶ 11. The motion demands default judgment in the total amount of “\$36,500 plus per diem for each Plaintiff.” *Second Mot.* at 2.

The Plaintiffs’ second motion does not comply with the Court’s October 25, 2016 order. The Order requires the Plaintiffs “to appear before it at a scheduled hearing” and to “make the case for their damage claims by presentation of evidence.” *Order* at 1. In addition, “once the hearing date, time and place have been scheduled”, the Court requires the Plaintiffs “to notify the defaulted defendant so if the defendant wishes to do so, it may appear and contest damages.” *Id.* at 1-2. The Plaintiffs have ignored the express and straightforward provisions of the Court’s October 25, 2016 Order.

The Court DISMISSES without prejudice the Plaintiffs’ Second Motion for Default Judgment (ECF No. 9).

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 29th day of November, 2016