

United States District Court, Northern District of Illinois

Name of Assigned Judge or Magistrate Judge	Joan B. Gottschall	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	10 C 0748	DATE	9/29/2010
CASE TITLE	Flava Works, Inc. vs. Wyche et al.		

DOCKET ENTRY TEXT

Defendant TaRon Wyche's motion to dismiss [29] is denied without prejudice.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Plaintiff Flava Works, Inc. filed this copyright action seeking damages and injunctive relief on February 4, 2010. (Doc. 1.) Defendant TaRon Wyche was served, and the summons was returned on March 9, 2010. (Doc. 9.) Neither Wyche nor counsel for defendant ever answered or appeared in this case. Flava Works sought, and eventually received on August 11, 2010, a default judgment in the amount of \$301,320 and a permanent injunction enjoining Wyche from continuing to infringe on the copyrighted materials of Flava Works. (Doc. 27.)

Wyche has now filed a pro se motion to dismiss for lack of personal jurisdiction. Local Rule 5.3 requires that "Every motion . . . shall be accompanied by a notice of presentment specifying the date and time on which, and judge before whom, the motion . . . is presented." This court hears civil motions at 9:30 A.M. on Tuesdays. The court denies Wyche's motion without prejudice for failure to comply with Local Rule 5.3. See Local Rule 78.2. The court notes that Wyche is a resident of Virginia. If a party is unable to attend a hearing on the day it is noticed, he must contact the courtroom deputy, and the party may be permitted to appear by phone.

Even if the motion were properly noticed, it would be untimely because judgment has already been entered. Federal Rule of Civil Procedure 55(c) permits the court to set aside a default judgment, but Wyche must first file a motion under Federal Rule of Civil Procedure 60(b) explaining the reasons why relief is warranted. The court encourages Wyche to review the materials available on the website for the Northern District of Illinois providing information for pro se litigants, available at <http://www.ilnd.uscourts.gov/home/ProSe.aspx>.

Courtroom Deputy
Initials:

RJ/JK