

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	3/14/2011
CASE TITLE	Flava Works, Inc. vs. Wyche et al.		

DOCKET ENTRY TEXT

Defendant TaRon Wyche’s motion to dismiss [49] is denied without prejudice for failure to comply with Local Rule 5.3.

■ [For further details see text below.]

Docketing to mail notices.

STATEMENT

Wyche previously filed a motion which was almost identical to his current motion to dismiss for lack of personal jurisdiction. In denying the earlier motion, the court explained:

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>.

(Doc. 30.) Wyche has again failed to notice his motion for presentment, and it is accordingly denied.

Courtroom Deputy
Initials:

RJ/JK