

UNITED STATES DISTRICT COURT  
 SOUTHERN DISTRICT OF NEW YORK

	X	
	:	
TRUE RETURN SYSTEMS, LLC,	:	
	:	
Plaintiff,	:	22-CV-8478 (VSB)
	:	
v.	:	
	:	<b><u>ORDER</u></b>
MAKERDAO,	:	
	:	
Defendant.	:	
	X	

VERNON S. BRODERICK, United States District Judge:

Today I held a telephone conference in this matter. In accordance with my comments made during the conference, it is hereby:

ORDERED that, based on Defendant’s counsel’s appearance in this action, the early stages of this litigation, and Defendant’s agreement to waive service, the Certificate of Default entered at Doc. 25 shall be vacated. I find that vacating the Certificate of Default is appropriate in light of the Second Circuit’s strong preference for resolving disputes on the merits, and that any doubt as to whether a default should be vacated should be resolved in favor of the defaulting party. *See Trustees of N.Y.C. Dist. Council of Carpenters Pension Fund, et al. v. PF Com. Flooring, Ltd.*, No. 21 CIV. 3539 (LGS), 2021 WL 4263067, at \*1 (S.D.N.Y. Aug. 9, 2021).

The Clerk of Court is respectfully directed to terminate the open motion at Doc. 26.

IT IS FURTHER ORDERED that by October 6, 2023, Defendant shall file a letter informing the court as to whether it will submit substantive responses to Plaintiff’s F.R.C.P. 26 disclosure requests.


IT IS FURTHER ORDERED that Defendant shall file its opening motion to dismiss brief by November 6, 2023; Plaintiff its opposition by December 6, 2023; and Defendant its reply by December 20, 2023.

IT IS FURTHER ORDERED that Plaintiff shall file its motion and opening brief relating to its recoupment of costs by November 6, 2023; Defendant its opposition by December 6, 2023; and Plaintiff its reply by December 20, 2023.

IT IS FURTHER ORDERED that the Case Management Plan and Scheduling Order shall be held in abeyance in light of the future motions.

SO ORDERED.

Dated: October 2, 2023  
New York, New York

  
VERNON S. BRODERICK  
United States District Judge