

**UNITED STATES DISTRICT COURT
DISTRICT OF MAINE**

ARAYOS LLC,)	
)	
Plaintiff,)	
)	
v.)	Docket No. 1:14-cv-060-NT
)	
JIMMIE ELLIS, MISTY BURR,)	
JOHN M. VELLIANITIS, JMV, INC.,)	
PAXOS MANAGEMENT SERVICES,)	
INC. and SYDKAL, INC.,)	
)	
Defendants.)	

**ORDER ON PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT AND
DISMISSAL OF COUNTERCLAIM**

This matter is before the Court on the Plaintiff’s Motion for Entry of Default and Dismissal of Sydkal, Inc.’s Counterclaim. Mot. for Entry of Default (ECF No. 61).

On September 19, 2014, after granting the motion of Defendants’ counsel to withdraw from representation, the Magistrate Judge ordered the Defendants to arrange for new counsel or enter a pro se appearance on or before October 3, 2014. Report of Telephone Conference and Order (ECF No. 55). Because the Defendants did not enter a pro se appearance, nor arrange for new counsel to enter an appearance for Defendants by October 3, the Magistrate Judge issued the Order to Show Cause, requiring the Defendants, on or before October 20, 2014, to comply with the Court’s prior order regarding representation, or risk the possibility that the Court could impose sanctions. Order to Show Cause (ECF No. 56).

On October 17, 2014, Defendant Jimmie Ellis filed a Motion to Extend Time (ECF No. 57). In the motion, Defendant Ellis indicated that he would “represent the remaining named defendants in this case.” *Id.* On November 25, 2014, the Magistrate Judge issued an Order accepting Mr. Ellis’s *pro se* appearance and notifying him that because he is not an attorney licensed to practice law and admitted to practice he could not enter an appearance on behalf of any of the other Defendants. Order on Mot. to Extend Time and Show Cause Order (ECF No. 59). The Magistrate Judge gave the individual Defendants Burr and Vellianitis until December 10, 2014 to either enter a *pro se* appearance, or arrange for counsel to enter an appearance on their behalf. Likewise, the Magistrate Judge gave the corporate Defendants JMV, Inc., Paxos Management Services, Inc., and Skydall, Inc. until December 10, 2014, to arrange for counsel to enter an appearance on their behalf. In that Order, all Defendants were notified that failure to comply with the terms of the Order will result in sanctions, including the entry of default.

The Plaintiff has moved for default and dismissal of Sydkal, Inc.’s counterclaim. No response to the Plaintiff’s Motion for Default was filed.

Because the individual Defendants Burr and Vellianitis have failed to enter a *pro se* appearance, or arrange for counsel to enter an appearance on their behalf, and the corporate Defendants JMV, Inc., PAXOS Management Services, Inc. and Sydkal, Inc. have failed to arrange for counsel to enter an appearance on their behalf, the Plaintiff’s Motion for Default is **GRANTED** against those Defendants. Fed. R. Civ.

P. 55(a). In addition, the Plaintiff's Motion to Dismiss Defendant Sydkal, Inc.'s counterclaim is **GRANTED** for failure to prosecute. Fed. R. Civ. P. 41(b).

SO ORDERED.

/s/ Nancy Torresen
United States Chief District Judge

Dated this 15th day of January, 2015.

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE (BANGOR)
CIVIL DOCKET NO. 1:14-CV-060-NT

ARAYOS LLC

Plaintiff

represented by JOHN H. BRANSON
LAW OFFICE OF JOHN H.
BRANSON, PA
482 CONGRESS STREET
SUITE 304
P.O. Box 7526
PORTLAND, ME 04112
207-780-8611
Email:
jbranson@bransonlawoffice.com

RUSSELL PIERCE
NORMAN, HANSON & DETROY
TWO CANAL PLAZA
P. O. BOX 4600
PORTLAND, ME 04112
774-7000
Email: rpierce@nhdlaw.com

v.

JIMMIE ELLIS

JIMMIE ELLIS
3125 DOG RIVER ROAD
THEODORE, AL 36582
PRO SE

SYDKAL INC.,
MISTY BURR,
JOHN M VELLIANITIS,
JMV INC.,

Defendants