

UNITED STATES DISTRICT COURT  
DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,	:	
	:	
Plaintiff,	:	
	:	
v.	:	CASE NO. 3:11CV413 (RNC)
	:	
JUSTIN J. MAFFEO,	:	
	:	
Defendant.	:	
	:	

ORDER

On March 16, 2011, the government brought this action alleging that the defendant, Justin J. Maffeo, defaulted on student loan debt. (Doc. #1.) The defendant was personally served with the complaint on March 24, 2011. (Doc. #5.) On March 27, 2011, Attorney Howard Lawrence filed his appearance on behalf of the defendant. (Doc. #7.)

The defendant did not file any responsive pleading.

On October 26, 2011, the government filed a motion for entry of default under Fed. R. Civ. P. 55(a). (Doc. #8.) The clerk of the court entered default on the following day. (Doc. #9.) On November 8, 2011, the government moved for default judgment. (Doc. #10.) On February 13, 2012, District Judge Robert N. Chatigny granted default judgment as to liability and referred the case to Magistrate Judge Donna F. Martinez for a hearing on damages. (Docs. #12 and #13.)

Judge Martinez scheduled the damages hearing for April 3, 2012. (Doc. #15.) On April 2, 2012, Judge Martinez's law clerk attempted to contact Attorney Lawrence regarding the hearing but the phone number listed on the docket was not in service. Judge Martinez rescheduled the hearing to May 8, 2012 and ordered the defendant to file a response to the government's hearing memorandum by April 17, 2012. (Docs. #18 and #19.)

On April 4, 2012, Assistant U.S. Attorney Christine Sciarrino exchanged emails with Attorney Lawrence and copied Judge Martinez's law clerk. In the exchange, Attorney Sciarrino informed Attorney Lawrence of the court's order to file a response and of the hearing scheduled for May 8. Attorney Lawrence provided a cell phone number.

After the defendant failed to comply with the April 17 response deadline, Judge Martinez's law clerk left a voicemail on Attorney Lawrence's cell phone requesting that he call chambers. On April 24, 2012, having received no response, the law clerk emailed Attorney Lawrence to inform him of the missed response deadline. On May 1, 2012, the law clerk reached Attorney Lawrence at his cell phone number. Attorney Lawrence stated that he had been in the hospital but confirmed that he was aware of the missed response deadline and the scheduled hearing. On May 4, 2012, Assistant U.S. Attorney David Nelson

emailed the court indicating that he spoke to Attorney Lawrence and confirmed that he was aware of the scheduled hearing.

Neither the defendant nor Attorney Lawrence appeared at the hearing on May 8, 2012. Appearing for the government, Attorney Nelson stated that spoke to Attorney Lawrence that morning, who indicated that he and his client were aware of the hearing date. The court did not proceed with the hearing in their absence but instructed the government to supplement its hearing memorandum and to file the certificate of indebtedness. (See doc. #21.)

The government represented to the court that as of May 8, its damages amounted to \$121,353.66.

In light of the foregoing, the court orders as follows. The hearing on damages will proceed before Judge Martinez on May 23, 2012 at 11:00 AM in the East Courtroom, 450 Main Street, Hartford, CT. The clerk of the court shall mail a paper copy of this order to Attorney Lawrence. The government shall serve a paper copy of this order directly on the defendant and shall file proof of service prior to the hearing.

SO ORDERED at Hartford, Connecticut this 9th day of May, 2012.

\_\_\_\_\_/s/\_\_\_\_\_  
Donna F. Martinez  
United States Magistrate Judge