

Even if the motion were timely, it would be denied. Although the defendants did not serve their answer within the time specified in the Initial Review Order or seek an extension of the deadline and thus could be adjudged in default for failure to timely plead, they have filed their answer. A default judgment is "the most severe sanction which the court may apply." Id. (citation & internal quotations omitted). Therefore, the Second Circuit has expressed its "strong preference" that cases be decided on the merits, id. (citation & internal quotations omitted), see also, e.g., Enron Oil Corp. v. Diakuhara, 10 F.3d 90, 95 (2d Cir. 1993), and recommends that default be used "only in extreme situations." Jackson v. City of New York, 22 F.3d 71, 75 (2d Cir. 1994)(citations & internal quotations omitted).

In this case, the answers were due in late August or early September, depending on the date the waiver forms were mailed to the various defendants. Defendants filed their answer on November 2, 2015. A two-month delay in filing an answer is not an extreme situation. Thus, the Motion for Default Judgment would be denied if considered on the merits.

Accordingly, plaintiff's letter/motion (Dkt. #27) is **granted** to the extent that the plaintiff has been informed of the status of service in this case, and plaintiff's Motion for Default Judgment (Dkt. #29) is **denied**.

SO ORDERED.

Dated at New Haven, Connecticut, this 13th day of November, 2015.

/s/Joan G. Margolis
Joan G. Margolis
United States Magistrate Judge