

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION**

RICHARD N. BELL,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 1:16-cv-01160-TWP-DLP
	)	
MICHAEL F.S. PATRICK,	)	
	)	
	)	
Defendant.	)	

**ORDER ON MOTION FOR EXTENSION OF TIME TO FILE RESPONSE  
TO MOTION TO SET ASIDE DEFAULT JUDGMENT**

On April 9, 2018, the Court entered Final Judgment against Defendant Michael F.S. Patrick, who had default judgment entered against him in this copyright infringement case. On May 2, 2018, Defendant Patrick filed a Motion to Set Aside Default Judgment, asserting that he was never served with the summons and complaint, and thus, this Court did not have jurisdiction to enter judgment against him ([Filing No. 22](#)). His Motion was supported by a sworn affidavit averring that he was never properly served ([Filing No. 22-1](#)).

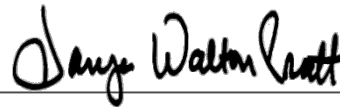
The Response Brief to the Motion to Set Aside Default Judgment is due May 16, 2018. Plaintiff Richard N. Bell (“Bell”) promptly filed an Opposed Motion for Extension of Time to File Response to Motion to Set Aside Default Judgment ([Filing No. 24](#)). Bell asserts that he needs additional time to file his Response Brief in order to first take the deposition of Defendant Patrick and Christina Pappas (now married and named Christina Christy)—the woman who accepted the summons and complaint and signed the certified mail card. Bell asserts that he will prepare and file his Response Brief after taking these depositions.

Defendant Patrick opposes Bell's Motion for time because additional discovery is not necessary ([Filing No. 26 at 1](#)). He explains that the facts supporting the Motion to Set Aside Default Judgment are contained in his sworn affidavit. He further explains that the facts from Christina Christy are contained in her sworn affidavit, which is attached to his opposition brief ([Filing No. 26-1](#)). "In addition, Mr. Bell already knew the facts as contained in Ms. Christy's declaration because he called her on May 2, 2018 and she told him the facts as set forth in her declaration." ([Filing No. 26 at 2.](#))

The Court finds that Bell has failed to show good cause to allow him to depose Defendant Patrick and Christina Christy. The sworn affidavit testimony from Defendant Patrick and Christina Christy is more than sufficient for Bell to prepare a Response Brief to the Motion to Set Aside Default Judgment. Therefore, the Court **grants in part and denies in part** Bell's Motion for Extension of Time to File Response to Motion to Set Aside Default Judgment ([Filing No. 24](#)). If the default judgment is set aside, the parties will have ample time to engage in discovery. The Court is aware that Bell has a planned vacation/travels with his wife, and may need additional time to file his response. Bell is not permitted to depose Defendant Patrick and Christina Christy; however, the Court grants Bell additional time to file his Response Brief, which must be filed no later than **Friday, June 8, 2018**.

**SO ORDERED.**

Date: 5/11/2018



TANYA WALTON PRATT, JUDGE  
United States District Court  
Southern District of Indiana

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