

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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**Federal Election Commission,**

Plaintiff

21 CIV. 6095 (ALC) (SDA)

-against-

**DEFAULT**

**LatPAC et al.,**

Defendants

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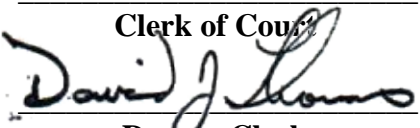
I, RUBY J. KRAJICK, Clerk of the United States District Court for the Southern District of New York, do hereby certify that this action was commenced on July 15, 2021 with the filing of a summons and complaint, a copy of the summons and complaint was served on defendant(s) **Chalin M. Askew and LatPAC**, on August 13, 2021, Askew executed waivers of service of the Summons and Complaint in this action on behalf of LatPAC and himself, and waiver of service was therefore filed on August 17, 2021, Doc. #(s) 14/15. On November 2, 2021, Askew purported to file an Answer on behalf of LatPAC and himself. (*See* Answer, ECF No. 18.) However, the Answer that was filed does not correspond to the Complaint. (*Compare* Compl. ¶¶ 1-45 with Answer ¶¶ 1-19.) On November 5, 2021, an Order was entered scheduling a telephone conference for November 12, 2021. (*See* 11/5/21 Order, ECF No. 20.) On November 12, 2021, the Commission appeared for the telephone conference, but Askew did not appear and no one appeared on behalf of LatPAC. (*See* 11/12/21 Order, ECF No. 21.) Following the conference, the Court entered an Order which stated, in part: “LatPAC is advised that an artificial entity cannot appear *pro se* in this Court.” (*See id.* ¶ 1 (citations omitted).) The Order set a deadline of December 15, 2021 for LatPAC to appear by counsel. (*See id.*) The Order warned LatPAC that, “if LatPAC does not appear by counsel, a default may be entered against

it.” (*See id.*) The November 12, 2021 Order also addressed the defective Answer that was filed, stating: “[t]he purported Answer filed by Defendant Askew on November 2, 2021 is defective, as it does not respond to the allegations in the Complaint.” (*See* 11/12/21 Order ¶ 2 (citation omitted).) The Order set a deadline of December 15, 2021 for Askew to file a new responsive pleading. (*See id.*) The Order also scheduled another telephone conference for January 4, 2022. (*See id.* ¶ 3.) Finally, the November 12, 2021 Order “reminded [Askew] that he must comply with all Court orders and failure to do so, including by failing to appear for future conferences, may result in the imposition of sanctions, up to and including a recommendation to the District Judge that a default judgment be entered against him.” (*See id.* (emphasis in original).) On January 4, 2022, the Commission appeared for the telephone conference, but once again Askew did not appear and no one appeared on behalf of LatPAC. LatPAC has failed to appear through counsel in this action by the deadline set by the Court. Thus, a default should be entered against LatPac, pursuant to Rule 55(a). Askew filed an Answer but that Answer did not properly respond to the Complaint. (*See* 11/12/21 Order (noting that purported Answer was defective because it did not respond to the allegations in the Complaint).) Thereafter, Defendant Askew failed to appear for a telephone conference on November 12, 2021; failed to file a new responsive pleading as directed by the Court; and failed to appear for a second telephone conference on January 4, 2022, despite a warning that failure to do so may result in the imposition of sanctions up to an including a recommendation to the District Judge that a default judgment be entered against him. (*See id.*) Accordingly, the Court finds that a default should be entered against Askew as he has failed to “otherwise defend” this action. *See* Fed. R. Civ. P. 55(a). I further certify that the docket entries indicate that the Defendant Askew failed to appear for a telephone conference on November 12, 2021; failed to file a new

responsive pleading as directed by the Court; and failed to appear for a second telephone conference on January 4, 2022, defendant Askew has failed to “otherwise defend” this action. LatPAC has failed to appear through counsel in this action by the deadline set by the Court. The default of the defendants are hereby noted.

**Dated:** New York, New York  
January 12, 2022

**RUBY J. KRAJICK**

BY:   
Deputy Clerk