

SUPREME COURT OF THE STATE OF NEW YORK  
COUNTY OF NEW YORK

-----X  
HEAVY ROTATION LLC,

Plaintiff,

-against-

EARL SIMMONS P/K/A DMX, J-MIKE MANAGEMENT  
AND ENTERTAINMENT, LLC and JASON FOWLER

Defendants.

Index No. 652429/2012

**NOTICE OF ENTRY**

-----X  
**PLEASE TAKE NOTICE** that the within is a true and correct copy of the Order of the  
Honorable Charles E. Ramos, dated October 31, 2014, which was duly filed and entered in the  
Office of the Clerk of the within Court on November 26, 2014.

Dated: New York, New York  
December 1, 2014

Respectfully Submitted,

ADELMAN MATZ, P.C.

By: 

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To: Special Referee Clerk  
General Clerk's Office  
60 Centre Street, Room 119M  
New York, New York 10007  
Phone: (646)386-3028  
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Email: [spref@courts.state.ny.us](mailto:spref@courts.state.ny.us)

Jason Fowler  
225 Country Forest Lane  
Lyman, South Carolina 29365

J-Mike Management and Entertainment, LLC  
225 Country Forest Lane  
Lyman, South Carolina 29365

Mr. Earl Simmons p/k/a DMX  
242 Ruby Ridge Trail  
Lyman, SC 29365

Mr. Earl Simmons p/k/a DMX  
142 McLain Street  
Mt. Kisco, NY 10549

At Part 53 of the Supreme Court of the State of New York, held in and for the County of New York, at 60 Centre Street, New York, New York, on the \_\_\_\_ day of ~~June~~, 2014.

*October NOV*

Present: HON. CHARLES E. RAMOS, J.S.C.

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HEAVY ROTATION, LLC,

Plaintiff,

-against-

Index No. 652429/2012

**ORDER**

EARL SIMMONS P/K/A DMX, J-MIKE  
MANAGEMENT AND ENTERTAINMENT, LLC and  
JASON FOWLER,

Defendants.  
-----X

A motion having been made by Heavy Rotation, LLC ("Plaintiff") and having duly come to be heard on April 22, 2014, for an order for default judgment against Defendants Earl Simmons p/k/a DMX, J-Mike Management and Entertainment, LLC and Jason Fowler pursuant to (i) New York Civil Practice Law and Rules ("CPLR") §3126 striking the Answer of Defendant Earl Simmons p/k/a DMX ("DMX"), Defendant J-Mike Management and Entertainment, LLC ("J-Mike"), and Defendant Jason Fowler ("Fowler") (collectively, the "Defendants") and; (ii) §3215 entering judgment on default against the Defendants; and (iii) for such other and further relief as the Court may deem just and proper;

*appear in opposition to the motion, or otherwise*  
**WHEREAS**, Defendants failed to oppose Plaintiff's motion for default judgment; and

*adequacy*  
**WHEREAS**, the Court having issued an order, dated May 6, 2014, a copy of which is annexed hereto as "Exhibit A", which granted Plaintiff's motion *on default* ~~for default judgment against the~~

~~Defendants and further directed Plaintiff to settle an order on notice granting default judgment against Defendants;~~

NOW, upon the reading and filing of the Notice of Motion of Plaintiff to strike and for default judgment against the Defendants, dated March 17, 2014, the Plaintiff's Memorandum of Law in Support of its motion for default judgment, dated March 17, 2014, the Affirmation of Sarah Matz, dated March 17, 2014, and the Good Faith Affirmation of Sarah Matz dated March 17, 2014, together with the Exhibits A-Q attached to said affirmations (Mot. Seq. No. 3);

IT IS HEREBY

~~ORDERED, that Plaintiff's motion to strike and for default judgment (Mot. Seq. No. 3) is granted against all Defendants and that Plaintiff may proceed to inquest before this Court in order to prove Plaintiff's monetary damages against Defendants;~~  
with regard to liability, and a hearing is directed to determine plaintiff's damages; and it is further

ORDERED that the issue of plaintiff's claim for damages is referred to a Special Referee; counsel for plaintiff shall, within 30 days from the date of this order, serve a copy of this order with notice of entry, together with a completed Information Sheet, upon the Special Referee Clerk in the Motion Support Office (Room 119M), who is directed to place this matter on the calendar of the Special Referee's Part for the earliest convenient date.

and

~~IT IS FURTHER ORDERED, that upon the filing of the Note of Issue and proof of service of same on Defendants, the Court will schedule a date for an inquest in this action.~~

Dated: New York, New York

June \_\_, 2014

October 21

Hon. Charles Ramos, J.S.C.

HON. CHARLES F. RAMOS

# EXHIBIT A

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SUPREME COURT OF THE STATE OF NEW YORK  
NEW YORK COUNTYPRESENT: Charles E. RamosPART 53

Justice

Index Number : 652429/2012  
 HEAVY ROTATION LLC  
 vs.  
 SIMMONS P-K-A DMX, EARL  
 SEQUENCE NUMBER : 003  
 DEFAULT JUDGMENT

INDEX NO. \_\_\_\_\_

MOTION DATE \_\_\_\_\_

MOTION SEQ. NO. \_\_\_\_\_

The following papers, numbered 1 to \_\_\_\_\_, were read on this motion to/for \_\_\_\_\_

Notice of Motion/Order to Show Cause — Affidavits — Exhibits \_\_\_\_\_ | No(s) \_\_\_\_\_

Answering Affidavits — Exhibits \_\_\_\_\_ | No(s) \_\_\_\_\_

Replying Affidavits \_\_\_\_\_ | No(s) \_\_\_\_\_

Upon the foregoing papers, it is ordered that this motion is

order on notice.

is granted on default. Settle

Dated: 5/16/14

\_\_\_\_\_, J.S.C.

1. CHECK ONE: \_\_\_\_\_ ☐ CASE DISPOSED ☒ NON-FINAL DISPOSITION
2. CHECK AS APPROPRIATE: \_\_\_\_\_ MOTION IS: ☐ GRANTED ☐ DENIED ☐ GRANTED IN PART ☐ OTHER
3. CHECK IF APPROPRIATE: \_\_\_\_\_ ☐ SETTLE ORDER ☐ SUBMIT ORDER
- ☐ DO NOT POST ☐ FIDUCIARY APPOINTMENT ☐ REFERENCE

CHARLES E. RAMOS

MOTION/CASE IS RESPECTFULLY REFERRED TO JUSTICE FOR THE FOLLOWING REASON(S):