

***** PUBLIC DOCKET *****

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:23-cv-00752-RLY-KMB**

DUAN v. M X PAN INCORPORATED d/b/a FORMOSA SEAFOOD BUFFET et al
Assigned to: District Judge Richard L Young
Referred to: Magistrate Judge Kellie M. Barr
Related Case: [1:22-cv-02333-RLY-KMB](#)
Cause: 15:5(a) Fair Labor Standards Act

Date Filed: 05/02/2023
Jury Demand: Plaintiff
Nature of Suit: 790 Labor: Other
Jurisdiction: Federal Question

Plaintiff

KUN DUAN
9/25/2023

represented by **Aaron B. Schweitzer**
Troy Law, PLLC
41-25 Kissena Boulevard, Suite 110
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718-762-1324
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ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

V.

Defendant

**M X PAN INCORPORATED d/b/a FORMOSA
SEAFOOD BUFFET**
default entered 9/25/2023

represented by **M X PAN INCORPORATED d/b/a FORMOSA
SEAFOOD BUFFET**
.
PRO SE

Defendant

SIU WONG PING
default entered 9/25/2023
also known as
Siuwong Ping
also known as
Peter Pan

represented by **SIU WONG PING**
.
PRO SE

Defendant

MIN XIU DONG
default entered 9/25/2023
also known as
Minxiu Dong

represented by **MIN XIU DONG**
.
PRO SE

| Date Filed | # | Docket Text |
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| 05/02/2023 | 1 | COMPLAINT /gd against MIN XIU DONG, M X PAN INCORPORATED, SIU WONG PING, filed by KUN DUAN. (Filing fee \$402, receipt number AINSDC-7617247) (Attachments: # 1 Exhibit 01 Wechat Translated Conversation, # 2 Exhibit 02 Document Preservation Demand, # 3 Exhibit 03 Consent to Become Party Plaintiff for Plaintiff Kun Duan, # 4 Civil Cover Sheet 04 Civil Cover Sheet, # 5 Proposed Summons 05 Proposed Summons for MX Pan Incorporated, # 6 Proposed Summons 06 Proposed Summons for Siu Wong Ping, # 7 Proposed Summons 07 Proposed Summons for Min Xiu Dong /gd)(Troy, John) (Entered: 05/02/2023) |
| 05/03/2023 | 2 | Summons Issued as to MIN XIU DONG, M X PAN INCORPORATED d/b/a FORMOSA SEAFOOD BUFFET, SIU WONG PING. (JRB) (Entered: 05/03/2023) |
| 05/03/2023 | 3 | Notice to File Rule 7.1 Disclosure Statement. (RAGS) (JRB) (Entered: 05/03/2023) |
| 05/03/2023 | 4 | MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (JRB) (Entered: 05/03/2023) |
| 05/07/2023 | 5 | NOTICE of Appearance by Aaron B. Schweitzer on behalf of Plaintiff KUN DUAN. (Schweitzer, Aaron) (Entered: 05/07/2023) |
| 05/07/2023 | 6 | NOTICE of Appearance by Tiffany Troy on behalf of Plaintiff KUN DUAN. (Troy, Tiffany) (Entered: 05/07/2023) |
| 05/20/2023 | 7 | SUMMONS Returned Executed by KUN DUAN. M X PAN INCORPORATED d/b/a FORMOSA SEAFOOD BUFFET served on 5/20/2023. (Troy, John) (Entered: 05/20/2023) |
| 05/20/2023 | 8 | SUMMONS Returned Executed by KUN DUAN. MIN XIU DONG served on 5/20/2023. (Troy, John) (Entered: 05/20/2023) |
| 05/20/2023 | 9 | SUMMONS Returned Executed by KUN DUAN. SIU WONG PING served on 5/20/2023. (Troy, John) (Entered: 05/20/2023) |
| 08/29/2023 | 10 | AFFIDAVIT of Service for Summons and Complaint served on M X PAN INCORPORATED d/b/a Formosa Seafood Buffet on May 20, 2023, filed by KUN DUAN. (Troy, John) (Entered: 08/29/2023) |
| 08/29/2023 | 11 | AFFIDAVIT of Service for Summons and Complaint served on SIU WONG PING a/k/a Siuwong Ping a/k/a Peter Pam on May 20, 2023, filed by KUN DUAN. (Troy, John) (Entered: 08/29/2023) |
| 08/29/2023 | 12 | AFFIDAVIT of Service for Summons and Complaint served on MIN XIU DONG a/k/a Minxiu Dong on May 20, 2023, filed by KUN DUAN. (Troy, John) (Entered: 08/29/2023) |
| 08/29/2023 | 13 | MOTION for Clerk's Entry of Default , filed by Plaintiff KUN DUAN. (Attachments: # 1 Affidavit Affirmation in support of Clerk's Entry of Default, # 2 Exhibit Proposed Entry of Default /mh)(Troy, John) (Entered: 08/29/2023) |
| 09/05/2023 | 14 | Notice of Reassignment of Case to Magistrate Judge Crystal S. Wildeman. Magistrate Judge M. Kendra Klump is no longer assigned to this case. Please include the new case number (1:23-cv-00752-RLY-CSW), which includes the initials of the newly assigned judge, on all future filings in this matter. (CJD) (Entered: 09/05/2023) |
| 09/25/2023 | 15 | Clerk's ENTRY OF DEFAULT as to MIN XIU DONG, M X PAN INCORPORATED d/b/a FORMOSA SEAFOOD BUFFET, SIU WONG PING. Signed by Clerk, Roger A.G. Sharpe. (CKM) (Entered: 09/25/2023) |
| 08/28/2024 | 16 | *** DISCHARGED RE- 21 *** ORDER TO SHOW CAUSE - Plaintiff obtained a Clerk's Entry of Default in this case on September 25, 2023, [Dkt. 15]. To date, Plaintiff has not moved for entry of a default judgment. Accordingly, the Court ORDERS Plaintiff to SHOW CAUSE by September 11, 2024, why this case should not be dismissed for failure to prosecute. If good cause is not shown by that date, the court will recommend dismissal of this action without prejudice. Signed by Magistrate Judge Crystal S. Wildeman on 8/28/2024.(TPS) Modified on 9/12/2024 Updated docket text. (AJG). (Entered: 08/28/2024) |
| 09/10/2024 | 17 | MOTION for Default Judgment as to <i>Defendants M X Pan Incorporated; Siu Wong Ping and Min Xiu Dong /gd</i> , filed by Plaintiff KUN DUAN. (Attachments: # 1 Text of Proposed Order Proposed Judgement /gd)(Troy, John) (Entered: 09/10/2024) |
| 09/10/2024 | 18 | AFFIDAVIT in Support of Motion re 17 MOTION for Default Judgment as to <i>Defendants M X Pan Incorporated; Siu Wong Ping and Min Xiu Dong /gd Declaration of John Troy in Support of Motion for Default /gd</i> , filed by Plaintiff KUN DUAN. (Attachments: # 1 Exhibit 01 Complaint, # 2 Exhibit 02 Affidavit of Service for MX Pan Incorporated, # 3 Exhibit 03 Affidavit of Service for Siu Wong Ping, # 4 Exhibit 04 Affidavit of Service for Min Xiu Dong, # 5 Exhibit 05 Clerks Entry of Default, # 6 Affidavit 06 Affidavit of Plaintiff in Support of Motion for Default Judgement, # 7 Exhibit 07 Damage Calculation of Plaintiff, # 8 Exhibit 08 Attorney Fee Invoice /gd)(Troy, John) (Entered: 09/10/2024) |
| 09/10/2024 | 19 | BRIEF/MEMORANDUM in Support re 17 MOTION for Default Judgment as to <i>Defendants M X Pan Incorporated; Siu Wong Ping and Min Xiu Dong /gd /gd</i> , filed by Plaintiff KUN DUAN. (Troy, John) (Entered: 09/10/2024) |
| 09/11/2024 | 20 | RESPONSE re 16 Order to Show Cause /gd, filed by Plaintiff KUN DUAN. (Troy, John) (Entered: 09/11/2024) |
| 09/12/2024 | 21 | ORDER - On August 28, 2024, the Court issued an Order to Show Cause [Dkt. 16] as to why this case should not be dismissed for plaintiff's failure to prosecute. Upon the plaintiff's filing of his Response to Order to Show Cause [Dkt. 20] and Motion for Default Judgment [Dkt. 17], the Court's Order to Show Cause is hereby DISCHARGED. Signed by Magistrate Judge Crystal S. Wildeman on 09/12/2024. (AJG) (Entered: 09/12/2024) |
| 09/12/2024 | 22 | CERTIFICATE OF SERVICE by KUN DUAN re 19 Brief/Memorandum in Support, 17 MOTION for Default Judgment as to <i>Defendants M X Pan Incorporated; Siu Wong Ping and Min Xiu Dong /gd</i> , 18 Affidavit in Support <i>Certificate of Service of Mailing and Emailing Default Motion Papers to Defendants /gd</i> (Troy, John) (Entered: 09/12/2024) |

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| 11/04/2024 | 23 | ORDER REASSIGNING CASE. Clerk is directed to reassign case to Magistrate Judge Kellie M. Barr for all further proceedings. This case is related to 1-22-cv-752. Magistrate Judge Crystal S. Wildeman no longer assigned to case. Signed by District Judge Richard L Young on 11/04/2024. (TMD) (Entered: 11/04/2024) |
| 11/05/2024 | 24 | NOTICE of Reassignment of Case to Magistrate Judge Kellie M. Barr. Magistrate Judge Crystal S. Wildeman is no longer assigned to this case. Please include the new case number, 1:23-cv-00752-RLY-KMB , on all future filings in this matter. (CCG) (Entered: 11/05/2024) |
| 09/12/2025 | 25 | ORDER ON PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT - The court, having considered Plaintiff's Motion and Memorandum in Support, and the incompetency finding as to Defendant Ping, now finds Plaintiff's Motion for Default Judgment (Filing No. 17) should be GRANTED in part and DENIED in part. The Motion is GRANTED with respect to Defendant MX Pan and Defendant Dong and DENIED without prejudice with respect to Defendant Ping. Given Defendant Ping's incompetency, the court will appoint him an attorney under Federal Rule of Civil Procedure 17(c). After an attorney has appeared on the court's docket to represent Defendant Ping, the court will set the matter for hearing. SEE ORDER. Copy sent to distribution list via US Mail. Signed by District Judge Richard L Young on 9/12/2025. (JRB) (Entered: 09/12/2025) |

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