

**IN THE UNITED STATES DISTRICT COURT FOR THE  
NORTHERN DISTRICT OF OKLAHOMA**

BASITO INVESTMENTS, LLC,  
Plaintiff,

vs.

MARTIN W. RIVERS,  
Defendant.

Case No. 16-CV-494-FHM

**OPINION AND ORDER**

Plaintiff's Motion for Default Judgment, [Dkt. 9] is before the Court. From Defendant's representations and the attachment to Defendant's brief, it appears that, although the requirements of Fed.R.Civ.P. 4 were not followed in every respect, Defendant filed a waiver of service intending to reserve until November 19, 2016 in which to Answer or otherwise plead. Further, it appears that the parties consider the issue to be moot as the parties have filed a joint status report in which there is no mention of a pending motion for default, and the parties have jointly consented to the disposition of the case by a United States Magistrate Judge which also signifies their intention to address the case on the merits. [Dkt. 15, 17].

Plaintiff's Motion for Default Judgment, [Dkt. 9], is DENIED. Defendant is granted until November 22, 2016, in which to Answer or otherwise plead.

SO ORDERED this 17th day of November, 2016.

  
FRANK H. McCARTHY  
UNITED STATES MAGISTRATE JUDGE