

complaint (except those relating to damages) admitted.”). In its Crossclaim, Krystal alleged that McLemore was “doing business as Elite Security,” and that plaintiff, Reena Lee, “was an employee of defendants Elite Security, Brian Broome and Vernon J. Mclemore.” (Doc. 8, at 5.) Having chosen not to respond to the Crossclaim nearly a year ago when he was served with process in the case, McLemore has effectively admitted that he was in fact doing business (along with Broome) as Elite Security and that he employed Reena Lee. Because of the long-standing default, Broome cannot be heard now to contest the accuracy of the well-pled factual allegations against him, particularly given that he failed to avail himself of a full, fair opportunity under the Federal Rules of Civil Procedure to be heard and to defend himself against Krystal’s Crossclaim.¹

For all of these reasons, the Motion to Dismiss (doc. 49) is **denied**.

DONE and ORDERED this 23rd day of January, 2013.

s/ WILLIAM H. STEELE

CHIEF UNITED STATES DISTRICT JUDGE

¹ The fact that Broome is proceeding without counsel in no way affects the analysis or the result. *See, e.g., Moton v. Cowart*, 631 F.3d 1337, 1341 n.2 (11th Cir. 2011) (explaining that *pro se* defendants must nevertheless comply with procedural rules); *Albra v. Advan, Inc.*, 490 F.3d 826, 829 (11th Cir. 2007) (similar).