

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA
SOUTHERN DIVISION**

ZURICH AMERICAN INSURANCE)	
COMPANY,)	
)	
Plaintiff,)	
)	
v.)	CIVIL ACTION 14-0294-WS-N
)	
BULLDOG MARINE, INC., et al.,)	
)	
Defendants.)	

ORDER

This matter is before the Court on the plaintiff’s motion for entry of default under Rule 55(a). (Doc. 41). The motion is directed against all defendants except Pedro Baez. All of the defendants have filed an answer, (Doc. 10), and entry of default against a defendant is not permitted under Rule 55(a) so long as an answer remains pending as to that defendant. The report and recommendation (“R&R”) of the Magistrate Judge recommends that the answer be stricken as to these defendants and that the motion for entry of default then be granted. (Doc. 49 at 5). The Federal Rules of Civil Procedure provide for such a sequence. *E.g., Eagle Hospital Physicians, LLC v. SRG Consulting, Inc.*, 561 F.3d 1298, 1302-03, 1307 (11th Cir. 2009); *Chudasama v. Mazda Motor Corp.*, 123 F.3d 1353, 1366 (11th Cir. 1997).

The parties declined the opportunity to object to the R&R. After due and proper consideration of all portions of the file deemed relevant to the issues raised, the R&R made under 28 U.S.C. § 636(b)(3) and dated November 20, 2014, including the entirety of the previous order discussed therein, (Doc. 45), is **adopted** as the opinion of the Court.

Accordingly, it is **ordered** that:

1. The plaintiff’s motion for entry of default is **granted**;

2. The answer, (Doc. 10), is **stricken** as to all defendants except Pedro E. Baez; and

3. The Clerk is directed to enter default against defendants Bulldog Marine, Inc.; Bulldog Marine, LLC; Blacktip Partners, Inc.; Blacktip Marine Partners, LLC; Brian Hall; and Brenda Hall.

DONE and ORDERED this 16th day of December, 2014.

s/ WILLIAM H. STEELE
CHIEF UNITED STATES DISTRICT JUDGE