

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

**TENNESSEE FARMERS MUTUAL
INSURANCE COMPANY**

PLAINTIFF

v.

3:11-CV-00057 BRW

TIM W. SMITH PROPERTIES, LLC, et al.

DEFENDANTS

ORDER

Pending is Plaintiff Tennessee Farmers Mutual Insurance Company's ("Tennessee Farmers") Motion for Default Judgment (Doc. No. 42) against Defendants Kenneth D. Ramirez, Robin S. Ramirez, and General Casualty Company of Wisconsin. Plaintiff's earlier motion for default judgment was denied without prejudice until the case was decided on the merits as to the non-defaulting defendants.¹ All non-defaulting parties have settled,² and Plaintiff again seeks default judgment against the defaulting parties.

Under Rule 55(a), the party seeking default judgment must have the Clerk of the Court enter the default by showing that the opposing party has failed to plead or otherwise defend. After default has been entered by the Clerk, the moving party may, under Rule 55(b), seek entry of judgment on the default.

Plaintiff's Motion for Default Judgment is referred to the Clerk of the Court for consideration of entry of a Clerk's default.

IT IS SO ORDERED this 3rd day of April, 2012.

/s/ Billy Roy Wilson
UNITED STATES DISTRICT JUDGE

¹Doc. No. 40.

²Doc. No. 41; March 26, 2012 email to the Court.