

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

**CMS WIRELESS, LLC**

**PLAINTIFF**

**vs.**

**4:11CV00755-BRW**

**FIDELITY & DEPOSIT COMPANY  
OF MARYLAND, *et al.***

**DEFENDANTS**

**ORDER**

Pending is Plaintiff's Motion for Default Judgment (Doc. No. 51) against separate Defendants Crown Management, Inc., Crown Project Management, Inc., Prince & Associates, C. Prince and Associates Consulting, Inc. (collectively the "Prince Entities") and Michelle Chow, in her capacity as Chapter 7 Bankruptcy Trustee for the Prince Entities. The Court will treat the motion as a Motion for Clerk's Default pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

A November 23, 2011 Order<sup>1</sup> pointed out that 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, again, referred to the Clerk of the Court for consideration of entry of a Clerk's default.

IT IS SO ORDERED this 24<sup>th</sup> day of January 2012.

/s/Billy Roy Wilson  
UNITED STATES DISTRICT JUDGE

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<sup>1</sup>Doc. No. 23.