

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION**

LESLIE A. FATTORUSSO; GERALD N.  
HARRINGTON,

Plaintiffs,

-vs-

Case No. 2:10-cv-201-FtM-36SPC

THE M/V WANDERER II, (official number  
1052543), its engines, tackle, apparel, etc. , in rem;  
PETE D. GARRIGUS, in personam, doing business  
as Captain Pete's; BLAYNE HASS, in personam,  
BLAYNE'S AUTO AIR, INC., in personam,

Defendants.

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**ORDER**

This matter comes before the Court on the Plaintiffs Leslie A. Fattorusso and Gerald N. Harrington's Motion for Entry of a Clerk's Default (Doc. #12) filed on May 4, 2010. Under Fed. R. Civ. P. 55(a), default is justified "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise appear by affidavit or otherwise, the clerk shall enter the party's default." Fed. R. Civ. P. 55(a).

The Return of Summons (Doc. # 8) shows that a true copy of the summons for the Defendant Blayne's Auto Air, Inc. was served upon Blayne Hass, as Secretary/Treasurer for the corporation on April 12, 2010. The Defendant's response was due on or before May 3, 2010. To date no response has been filed by the Defendant Blayne's Auto Air. As such, good cause exists to grant the Clerk's Default.

Accordingly, it is now

**ORDERED:**

The Plaintiffs Leslie A. Fattorusso and Gerald N. Harrington's Motion for Entry of a Clerk's Default (Doc. #12) is **GRANTED**. The Clerk is hereby directed to enter a Clerk's Default against the Defendant Blayne's Auto Air, Inc.

**DONE AND ORDERED** at Fort Myers, Florida, this 12th day of May, 2010.

  
SHERI POLSTER CHAPPELL  
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record