

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

ROLEX WATCH U.S.A., INC.,

Plaintiff,

v.

Case No: 2:12-cv-542-FtM-99SPC

JAMES MICHAEL LYNCH, UNKNOWN
WEBSITES 1-10, JOHN DOES 1-10 and
UNKNOWN ENTITIES 1-10,

Defendants.

_____ /

ORDER

This matter comes before the Court on The Plaintiff, Rolex Watch, U.S.A.'s Motion for Entry of a Clerk's Default (Doc. #9) filed on December 3, 2012. 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.”

As grounds for the Clerk’s Default, the Plaintiff states the Defendant James Michael Lynch was served with the Summons and Complaint on November 9, 2012. (Doc. # 8). According to Return of Service, (Doc. # 8) the Defendant’s wife was served at what appears to be the Defendant’s usual place of abode in Cape Coral, Florida. Thus, service upon the Defendant was proper under the Federal Rules.

The Defendant’s answer or other response to the Summons and Complaint was due on or before November 30, 2012. The time for the Defendant to plead, answer or otherwise appear expired and to date the Defendant has not filed an answer. Therefore, good cause exists to grant the Motion for a Clerk’s Default.

Accordingly, it is now

ORDERED:

The Plaintiff, Rolex Watch, U.S.A.'s Motion for Entry of a Clerk's Default (Doc. #9) is **GRANTED**. The Clerk of the Court is hereby directed to enter a Clerk's Default against the Defendant James Michael Lynch in accord with Fed. R. Civ. P. 55(a).

DONE and ORDERED in Fort Myers, Florida this 5th day of December, 2012.


SHERI POLSTER CHAPPELL
UNITED STATES MAGISTRATE JUDGE

Copies: All Parties of Record