

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
FORT MYERS DIVISION

PNC EQUIPMENT FINANCE, LLC, a  
Delaware limited liability company,

Plaintiff,

v.

Case No: 2:13-cv-763-FtM-29CM

IKZ, INC. and IVAN J.  
KOVACEVIC,

Defendants.

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**ORDER**

This matter comes before the Court upon review of Plaintiff's Motion for Clerk's Default (Doc. 17) filed on January 22, 2014. Plaintiff moves for the entry of clerk's default against Defendant IKZ, Inc. and Ivan J. Kovacevic for failure to respond to the Complaint. Plaintiff's Motion simply request that a clerk's default be entered pursuant to Federal Rule of Civil Procedure 55(a), with no analysis or argument as to why service was proper under the rules such that the Court should enter a clerk's default. Pursuant to Middle District of Florida Local Rule 3.01(a), "[i]n a motion or other application for an order, the movant shall include a concise statement of the precise relief requested, a statement of the basis for the request, and a memorandum of legal authority in support of the request." M.D. Fla. Rule 3.01(a). While the record reveals that Plaintiff filed Returns of Service for both Defendants showing that Defendants were served on November 12, 2013 (Docs. 8, 9), Plaintiff has cited no legal

authority to the Court as to why service was proper.<sup>1</sup> Thus, the Motion will be denied at this time.

ACCORDINGLY, it is hereby

**ORDERED:**

Plaintiff's Motion for Clerk's Default (Doc. 17) is **DENIED without prejudice.**

Plaintiff may refile its Motion in compliance with the above.

**DONE and ORDERED** in Fort Myers, Florida on this 10th day of March, 2014.

  
CAROL MIRANDO  
United States Magistrate Judge

Copies:  
Counsel of record

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<sup>1</sup> The Court notes that Plaintiff's Complaint has been amended twice, with the most recent amendment filed on December 5, 2013, showing that it was mailed to Defendants. (Docs. 7, 14). This was a date after the original complaint was formally served by the process server on November 12, 2013. (Docs. 8, 9). Plaintiff's brief should include argument as to whether service of an amended complaint by mail is proper.