

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

THOSE CERTAIN UNDERWRITERS
AT LLOYD'S, LONDON, individually and
severally subscribing to policy number
A0364/15000

Plaintiff,

v.

Case No: 2:15-cv-669-FtM-38CM

GONE COUNTRY MOTOR
SPORTS, INC., TIMOTHY LLOYD,
SCOTT KIRK, MARLAYNA GOMEZ
and JARED O'KEEFE,

Defendants.

ORDER¹

This matter comes before the Court on Plaintiff's Response to Order to Show Cause ([Doc. #61](#)) filed on March 26, 2016. Five days earlier, the Court ordered Plaintiff to show cause why it had not served Defendants Gone Country Motor Sports, Inc. and Scott Kirk. Plaintiff, in response, filed a Return of Service for Defendant Gone Country ([Doc. #56](#)) and a Return of Service for Defendant Scott Kirk ([Doc. #57](#)). Defendant Scott Kirk then filed an Answer. ([Doc. #58](#)). Defendant Gone Country, however, has neither answered nor defended against the Amended Complaint.

¹ Disclaimer: Documents filed in CM/ECF may contain hyperlinks to other documents or websites. These hyperlinks are provided only for users' convenience. Users are cautioned that hyperlinked documents in CM/ECF are subject to PACER fees. By allowing hyperlinks to other websites, this Court does not endorse, recommend, approve, or guarantee any third parties or the services or products they provide on their websites. Likewise, the Court has no agreements with any of these third parties or their websites. The Court accepts no responsibility for the availability or functionality of any hyperlink. Thus, the fact that a hyperlink ceases to work or directs the user to some other site does not affect the opinion of the Court.

According to Plaintiff, Defendant Gone Country's failure to appear is likely because of its owner's recent medical issues. (Doc. #61 at 2-3). Defendant Gone Country is Plaintiff's insured, and Plaintiff does not want to move for default against it. Thus, in an effort to draw Defendant Gone Country into this suit, Plaintiff has mailed the Amended Complaint to it and attempted to contact it. But Plaintiff recognizes that, "[i]f a response to the Amended Complaint is not received within 20 days from service via certified mail, a motion for default may be necessary." (Doc. #61).

At this stage, the Court will grant Plaintiff's request not to dismiss this case as to Defendants Gone Country and Scott Kirk. However, if Defendant Gone Country has not filed an answer or otherwise defended against this action on or before April 18, 2016, Plaintiff shall advise the Court as to how it wishes to proceed.


Accordingly, it is now

ORDERED:

(1) The Court will take no further action on its Order dated March 21, 2016 (Doc. #54).

(2) If Defendant Gone Country Motor Sports, Inc. has not filed an answer or otherwise defended against this action on or before April 18, 2016, Plaintiff shall advise the Court as to how it wishes to proceed on or before **April 25, 2016**.

DONE and **ORDERED** in Fort Myers, Florida this 29th day of March, 2016.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record