

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 review of the file. On June 16, 2016, the Clerk of Court issued an Entry of Default against Defendant Gone Country Motor Sports, Inc. ([Doc. #68](#)). Plaintiff Those Certain Underwriters at Lloyd's, London thereafter had sixty (60) days to apply for default judgment in accordance with [Middle District of Florida Local Rule 1.07](#) and [Federal Rule of Civil Procedure 55\(b\)](#). To be sure, Local Rule 1.07 provides that

[w]hen service of process has been effected but no appearance or response is made within the time and manner provided by Rule 12, Fed.R.Civ.P., the party effecting service shall promptly apply to the Clerk for entry of default pursuant to Rule 55(a), Fed.R.Civ.P., and shall then proceed without

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delay to apply for a judgment pursuant to Rule 55(b), Fed.R.Civ.P., failing which the case shall be subject to dismissal sixty (60) days after such service without notice and without prejudice; provided, however, such time may be extended by order of the Court on reasonable application with good cause shown.

[M.D. Fla. R. 1.07\(b\)](#). And, because Plaintiff has not moved for default judgment to date, it has evidenced a lack of interest in prosecuting this case. See [M.D. Fla. R. 3.10\(a\)](#).

Accordingly, it is now

ORDERED:

Plaintiff Those Certain Underwriters at Lloyd's, London' suit as against Defendant Gone Country Motor Sports is **DISMISSED WITHOUT PREJUDICE**.

DONE and **ORDERED** in Fort Myers, Florida this 17th day of August, 2016.


SHERI POLSTER CHAPPELL
UNITED STATES DISTRICT JUDGE

Copies: All Parties of Record