

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
JACKSONVILLE DIVISION**

AIX SPECIALTY INSURANCE  
COMPANY and THE HANOVER  
INSURANCE COMPANY,

Plaintiffs,

v.

Case No. 3:16-cv-1319-J-32MCR

ORLANDO-BEACH PIZZA, INC., a  
Florida Corporation, BEACH PIZZA,  
INC., a Florida Corporation,  
DOMINO'S PIZZA, LLC, a Michigan  
Limited Liability Company, LARRY P.  
COLEMAN, JR. , FAFAN  
COLEMAN, his wife, LARRY P.  
COLEMAN, JR. , as the Natural  
Parent and Next Friend of K. C., K. C.,  
M. C., and A. C., his minor children,  
and LARRY COLEMAN, as the  
Natural Parents and Next Friends of  
Z.C., minor,

Defendants.

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**ORDER**

This case is before the Court on: (1) Plaintiffs' Motion for Default (Doc. 11) against Defendants Larry Coleman and Fafaun Coleman; and (2) Plaintiffs' Notice of Voluntary Dismissal of Defendant Orlando-Beach Pizza, Inc. (Doc. 12).

On April 3, 2017, the Court held a telephone status conference, the record of which is incorporated herein. (Doc. 16).

Upon due consideration, it is hereby

**ORDERED:**

1. The Court construes Plaintiffs' Motion for Default (Doc. 11) against Defendants Larry Coleman and Fafaun Coleman as a motion for entry of clerk's default, pursuant to Rule 55(a), Fed. R. Civ. P., and **GRANTS** the motion.<sup>1</sup> The Clerk shall enter default against Larry P. Coleman, Jr., individually, and in capacity of Natural Parent and Next Friend of his minor children and Natural Parent and Next Friend of minor, and Fafaun Coleman. Plaintiffs shall then "proceed without delay to apply for a judgment pursuant to Rule 55(b), Fed. R. Civ. P." M.D. Fla. Local Rule 1.07.

2. Upon review of Notice of Voluntary Dismissal of Defendant, Orlando-Beach Pizza, Inc. (Doc. 12), filed on March 9, 2017, this case is **DISMISSED without prejudice** as to Defendant Orlando-Beach Pizza, Inc. Each party shall bear its own attorneys' fees and costs. Plaintiffs to send Defendant a copy of this Order.

**DONE AND ORDERED** in Jacksonville, Florida this 6th day of April, 2017.

  
TIMOTHY J. CORRIGAN  
United States District Judge

sj  
Copies:

Counsel of record

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<sup>1</sup> Plaintiffs' Motion for Default fails to specify which provision of Rule 55 applies. Regardless, "[p]rior to obtaining a default judgment under either Rule 55(b)(1) or Rule 55(b)(2), there must be an entry of default as provided by Rule 55(a)." 10A CHARLES ALAN WRIGHT ET AL., FED. PRAC. & PROC. CIV. § 2682 (3d ed. 2015). Clerk's default has not yet been entered in this case.