

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION

THOMAS TAYLOR,

Plaintiff,

-vs-

Case No. 5:11-cv-46-Oc-10TBS

TAYLOR & TAYLOR USA, LLC, et. al.,

Defendants.

ORDER

On January 31, 2011, plaintiff Thomas Taylor filed this action against defendants Taylor & Taylor USA, LLC and Richard Taylor, pursuant to the Fair Debt Collection Practices Act ("FDCPA"), 15 U.S.C. § 1692 et seq., related to the defendants' alleged efforts to collect a debt. (Doc. 1.) The defendants were served with the summons and complaint on March 7, 2011. (Docs. 5, 7-1.) On April 6, 2011, the plaintiff requested that the Clerk enter default against the defendants for their failure to appear, answer, or otherwise plead as required by Federal Rule of Civil Procedure 12.¹ (Doc. 8.)

On April 8, 2011, this court issued an order denying the plaintiff's motion for Entry of Default. (Doc. 8.) In this order, the court noted that, on March 25, 2011, Richard Taylor, who is proceeding pro se, sent a letter to the Clerk of Court advising that: "Mr. Thomas Taylor purchased tools from my client while at work and used primarily for work. As such, this action is not covered under the FDCPA." (Doc. 6.) He signed the letter as Managing Member of

¹Federal Rule of Civil Procedure 12(a)(1)(A)(i) provides that a defendant must serve an answer within twenty-one (21) days after being served with the summons and complaint.

Taylor & Taylor USA, LLC. Id. The court noted that it appeared that Richard Taylor was attempting to respond to this lawsuit on behalf of himself and Taylor & Taylor USA, LLC. However, pursuant to Local Rule 2.03(e), a corporation can only appear through counsel. The court denied the plaintiff's Motion for Entry of Default and ordered that, within twenty (20) days of its April 8, 2011 order, defendant Taylor & Taylor USA, LLC retain counsel and that such counsel file a notice of appearance within this time. The court stated that failure to retain counsel would result in the entry of default against Taylor & Taylor USA, LLC.

Since the court issued its April 8, 2011 order, no counsel has filed a notice of appearance on behalf of Taylor & Taylor USA, LLC. The Clerk of Court is therefore ORDERED to enter default against the defendants Taylor & Taylor USA, LLC and Richard Taylor.

DONE and ORDERED in Ocala, Florida on September 19, 2011.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties