

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

**ED O'HARA, JAMES SHARAR and
DA'QUAN STINNIE, and others
similarly situated**

Plaintiffs,

v.

Case No: 5:16-cv-272-Oc-34PRL

**LICCIARDELLO'S SANITATION
SERVICES, INC. and AARON
LICCIARDELLO**

Defendants.

ORDER


This case is before the Court for consideration of Plaintiff's motion for Clerk's Default against Defendant Aaron Licciardello, filed September 29, 2016. (Doc. 31). Pursuant to Federal Rule of Civil Procedure Rule 55(a), "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default."

On October 5, 2016, counsel entered a notice of appearance on behalf of both Licciardello's Sanitation Services, Inc., and Aaron Licciardello. (Doc. 32). On October 10, 2016, through counsel, both Defendants filed their answer and affirmative defenses to the complaint. (Doc. 33). While the answer was timely filed as to the corporate defendant, it was not timely as to individual defendant Aaron Licciardello, who had been ordered to respond to the complaint on or before September 20, 2016. (Doc. 28). The undersigned notes, however, that Defendants were

previously granted until October 14, 2016 to obtain counsel. (Doc. 26). Under the circumstances, entry of clerk's default is not appropriate.

Accordingly, upon due consideration, the motion for Clerk's Default (Doc. 31) is **DENIED**. The parties are reminded of their obligations as set forth in the Court's FLSA Scheduling Order (Doc. 5). To that end, **within 30 days** of the entry date of this Order, Defendants shall serve on Plaintiff(s) and file with the Court a Verified Summary of all hours worked by Plaintiff(s) during each relevant work week, the rate of pay and wages paid, including overtime pay, if any. All further requirements of the FLSA scheduling Order shall remain in full effect.

DONE and ORDERED in Ocala, Florida on October 13, 2016.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties