

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

**BADGER AUCTIONEERS, INC.,**

**Plaintiff,**

**v.**

**Case No: 6:16-cv-572-Orl-31TBS**

**ZAID ALI and MY FRESH MARKET  
CORP.,**

**Defendants.**

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**ORDER**

On October 27, 2016, Magistrate Judge Thomas B. Smith issued his Report and Recommendation (Doc. 31) recommending that various motions be denied, including Plaintiff's Amended Motions for Entry of Default Judgment (Docs. 22 and 23). Judge Smith's ruling was based on his finding that Plaintiff had not demonstrated that service on Defendants was attempted at the Wickham Road address, and thus substitute service at the mailbox address was not proper.

On November 8, 2016, Plaintiff filed Objections to the Report and Recommendation (Doc. 32) contending that after diligent search, Plaintiff concluded that the Wickham Road address was not viable for service of process. Accordingly, Plaintiff contends that substitute service at the mailbox address was proper under these circumstances.

Upon consideration of the above, the Court concludes that this matter should be **REMANDED** to Judge Smith to reconsider the motions for default judgment, in light of this new evidence. It is, therefore,

**ORDERED** that Plaintiff's objections are sustained as to Docs. 22 and 23, and the matter is remanded to Judge Smith for further proceedings.

Since Defendants did not file objections to the Report and Recommendation, Magistrate Judge Smith's recommendation regarding Docs. 26, 27, and 28 is confirmed, and it is

**FURTHER ORDERED** that Defendants' motions at Docs. 26, 27, and 28 are hereby **DENIED**.

**DONE** and **ORDERED** in Chambers, Orlando, Florida on November 29, 2016.



  
GREGORY A. PRESNELL  
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record  
Unrepresented Party