

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ELAINE THOMAS,

Plaintiff,

v.

CASE NO: 8:10-cv-1444-T-33EAJ

SMITH, DEAN & ASSOCIATES, INC.,
et al.,

Defendants.

ORDER

This cause comes before the Court pursuant to Plaintiff Elaine Thomas' Motion for Entry of Clerk's Default Against Defendant Smith, Dean & Associates, Inc. (Doc. # 7).

On June 28, 2010, Ms. Thomas filed her complaint (Doc. # 1) against Smith, Dean & Associates, Inc. alleging numerous violations of the Fair Debt Collection Practices Act, the Florida Consumer Collections Practices Act, and invasion of privacy. On July 28, 2010, Smith, Dean & Associates, Inc. was served with the summons and complaint (Doc. # 3). On August 12, 2010, Lisa Smith, President of Smith, Dean & Associates, Inc., filed a pro se answer (Doc. # 4) to the complaint. Ms. Thomas argues that because Lisa Smith is not an attorney and she cannot file an answer on behalf of the corporate defendant, Smith, Dean & Associates, Inc. has failed to

properly plead or otherwise defend this action. Ms. Thomas now moves this Court for entry of clerk's default against Smith, Dean & Associates, Inc.


Upon due consideration, the Court will allow Smith, Dean & Associates, Inc. an extended opportunity to retain counsel and respond to the complaint prior to entering clerk's default. Since corporations may appear and be heard only through counsel, Smith, Dean & Associates, Inc. shall have until December 7, 2010, to file a notice of appearance of counsel and respond to Ms. Thomas' complaint. See Local Rule 2.03(e); Energy Lighting Mgmt., LLC v. Kinder, 363 F. Supp. 2d 1331, 1332 (M.D. Fla. 2005)(citations omitted).

Accordingly, it is

ORDERED, ADJUDGED, and DECREED:

- (1) Plaintiff Elaine Thomas' Motion for Entry of Clerk's Default Against Defendant Smith, Dean & Associates, Inc. (Doc. # 7) is **DENIED without prejudice to re-file as necessary.**
- (2) Defendant Smith, Dean & Associates, Inc. shall have until December 7, 2010, to file a notice of appearance of counsel and respond to Ms. Thomas' complaint.

DONE and **ORDERED** in Chambers in Tampa, Florida, this 16th
day of November, 2010.


VIRGINIA M. HERNANDEZ COVINGTON
UNITED STATES DISTRICT JUDGE

Copies:

All Parties and Counsel of Record