

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION

JEFFREY JOEL JUDY,

Plaintiff,

v.

CASE NO.: 8:14-cv-1864-T-23TGW

AUBURNDALE RETAIL I, LLC, et al.,

Defendants.

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**ORDER**

On November 6, 2014, Jeffrey Joel Judy moved (Doc. 11) for a clerk's default against Auburndale Retail I, LLC. The clerk entered (Doc. 12) a default against Auburndale. Auburndale moves (Doc. 16) unopposed to vacate the default. Auburndale explains that, because Judy failed to serve Auburndale at the correct address, "Auburndale did not receive written notice of the instant lawsuit until sometime after . . . December 4, 2014." (Doc. 16 at 2) Rule 55(c), Federal Rules of Civil Procedure, allows a court to "set aside an entry of default for good cause." Auburndale's motion (Doc. 16) to vacate the default is **GRANTED**. The clerk's default (Doc. 12) is **VACATED**. Judy's motion (Doc. 13) for default judgment

against Auburndale is **DENIED AS MOOT**. No later than **JANUARY 12, 2015**,  
Auburndale must respond to the complaint.

ORDERED in Tampa, Florida, on December 24, 2014.



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STEVEN D. MERRYDAY  
UNITED STATES DISTRICT JUDGE