

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

BRANCH BANKING AND TRUST  
COMPANY, a North Carolina banking  
corporation, as successor-in-interest to  
Colonial Bank by asset acquisition  
from the FDIC as Receiver for Colonial  
Bank, successor by merger to Citrus and  
Chemical Bank,

Plaintiff,

v.

Case No. 8:15-CV-1462-T-30EAJ

CRYSTAL CENTRE, LLC, a Florida limited  
liability company, OSWALD P. CARREROU,  
individually, and DONALD K. STEPHENS,  
individually,

Defendants.

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**ORDER**

THIS CAUSE comes before the Court upon Plaintiff's Motion for Default Judgment against Defendant Crystal Centre, LLC (Dkt. 24). Upon consideration of the motion, and being otherwise advised in the premises, the Court denies the motion without prejudice.

Plaintiff's complaint seeks to enforce a commercial promissory note executed by Defendant Crystal Centre, LLC, and the related personal guaranty agreements executed by Defendant Oswald P. Carrerou and Defendant Donald K. Stephens.

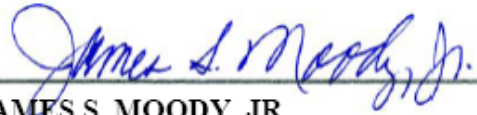
On November 12, 2015, a clerk's default was entered against Defendant Crystal Centre, LLC for its failure to retain counsel (Dkt. 21). Notably, Defendants Carrerou and Stephens are still defending this lawsuit.

“[W]hen a default is entered against one defendant in a multi-defendant case, the preferred practice is for the court to withhold granting a default judgment until after trial on the merits against the remaining defendants.” *N. Pointe Ins. Co. v. Global Roofing & Sheet Metal, Inc.*, 2012 WL 5378740, at \*1 (M.D. Fla. Oct. 31, 2012). *See also Armstrong v. Martin Marietta Corp.*, 93 F.3d 1505, 1509 (11th Cir. 1996) (“[a]lthough rule 54(b) permits the court, upon a party’s motion for entry of final judgment, to direct final judgment as to one or more but fewer than all the parties in a class action where ‘no just reason for delay exists,’ the court is not required to enter final judgment in an action involving multiple parties.”).

The Court concludes that entering a default final judgment against Crystal Centre, LLC at this stage raises the risk of inconsistent verdicts because the remaining Defendants may succeed on the merits.

It is therefore ORDERED AND ADJUDGED that Plaintiff’s Motion for Default Judgment against Defendant Crystal Centre, LLC (Dkt. 24) is denied without prejudice to be reasserted, to the extent appropriate, when this case becomes ripe for final resolution.

**DONE** and **ORDERED** in Tampa, Florida on December 23, 2015.

  
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JAMES S. MOODY, JR.  
UNITED STATES DISTRICT JUDGE

**Copies furnished to:**  
Counsel/Parties of Record

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