

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

WENDI ROSS,

Plaintiff,

v.

Case No. 8:17-cv-252-T-24 AAS

ST. PETERSBURG GENERAL
HOSPITAL and HEALTH CARE
CORPORATION OF AMERICA (“HCA”),

Defendants.

ORDER

This cause comes before the Court on Plaintiff’s Motion for Default Judgment. (Doc. No. 13). As explained below, the motion is denied.

Plaintiff filed suit against Defendants St. Petersburg General Hospital and Health Care Corporation of America (“HCA”). When the summons was issued, it listed both defendants as one defendant and indicated that service should be made upon Brett Ruzzo, Esq. at a Florida address. (Doc. No. 1). Plaintiff used this summons to serve Defendant HCA by attempting to serve Ruzzo at a Tennessee address. (Doc. No. 13-1). Plaintiff contends that she served HCA via service upon “Cindy but trey paralegal for hca.” (Doc. No. 13-1). Plaintiff, however, does not identify who Cindy is and under what authority she may accept service on behalf of HCA. Furthermore, there is no information as to who Ruzzo is and under what authority he may accept service on behalf of HCA. As such, Plaintiff has not shown that service on HCA was properly effected.

Furthermore, instead of moving for entry of default, Plaintiff moves for default judgment. Plaintiff, however, has not moved for the entry of default against HCA, and therefore, default

judgment against HCA is procedurally inappropriate at this time. See Green v. Metropolitan Property & Casualty Insurance Co., 1997 WL 560769, at *2 (N.D. Tx. Sept. 2, 1997).

Accordingly, it is ORDERED AND ADJUDGED that Plaintiff's Motion for Default Judgment (Doc. No. 13) is **DENIED WITHOUT PREJUDICE**. By May 1, 2017, Plaintiff is directed to file a motion for entry of default against HCA that explains who Cindy is and under what authority she may accept service on behalf of HCA.

DONE AND ORDERED at Tampa, Florida, this 17th day of April, 2017.


SUSAN C. BUCKLEW
United States District Judge

Copies to:
Counsel of Record