

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

PUBLIX SUPER MARKETS, INC.,

Plaintiff,

v.

Case No: 8:17-cv-1918-T-27JSS

CAMILLE M. WILKINS, LACHADRICK
REESE, and JAVON MELTON, as mother
and natural guardian of J.R., a minor,

Defendants.

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ORDER

THIS MATTER is before the Court on Plaintiff's Motion for Clerk's Entry of Default Against Defendants Javon Melton and Lachadrick Reese ("Motion"). (Dkt. 11.) In this interpleader action, Plaintiff requests a determination of the proper disposition of the Employee Stock Ownership Plan ("ESOP") account of its former employee, who is deceased ("Decedent"). (Dkt. 1.) Defendant Camille Wilkins, who has answered the Complaint (Dkt. 10), is Decedent's surviving spouse, Defendant Lachadrick Reese is Decedent's adult child, and J.R. is Decedent's minor child. (Dkt. 1 ¶¶ 16, 24.) Defendants assert interests in Decedent's ESOP account.¹

In the Motion, Plaintiff seeks entry of Clerk's defaults as to Javon Melton, who is J.R.'s mother, and Lachadrick Reese. On August 30, 2017, Plaintiff filed proof of service as to Ms. Melton and Mr. Reese, stating that they were served on August 19, 2017. (Dkt. 6.) As to Mr. Reese, the server avers that service was performed on him via substitute service by leaving the summons and complaint with Ms. Melton, who is identified on the Verified Return of Service as "MOTHER / CO-RESIDENT." (*Id.* at 3.) Mr. Reese has been properly served, *see* Fed. R. Civ.

¹ J.R., a minor, asserts an interest through his mother, Defendant Javon Melton. (Dkt. 1 ¶ 24.)

P. 4(e)(2)(B), and entry of a Clerk's default as to him is therefore proper, *see id.* at 12(a)(1)(A)(i), 55(a).

As to Ms. Melton, who brings this action on behalf of her minor child, "[a] minor or an incompetent person in a judicial district of the United States must be served by following state law for serving a summons or like process on such a defendant in an action brought in the courts of general jurisdiction of the state where service is made." *Id.* at 4(g). Under Florida law, minors are served "[b]y serving a parent or guardian of the minor as provided for in s[ection] 48.031." § 48.041(1)(a), Fla. Stat. Florida Statutes § 48.031(1)(a) provides that "[s]ervice of original process is made by delivering a copy of it to the person to be served with a copy of the complaint, petition, or other initial pleading." *Id.* § 48.031(1)(a). Because a copy of the summons and complaint were served on Ms. Melton personally (Dkt. 6 at 4), service was proper and entry of Clerk's default against Ms. Melton is proper. *See* Fed. R. Civ. P. 12(a)(1)(A)(i), 55(a).

Accordingly, Plaintiff's Motion for Clerk's Entry of Default Against Defendants Javon Melton and Lachadrick Reese (Dkt. 11) is **GRANTED**. The Clerk is directed to enter defaults against Defendants Javon Melton, as the mother of Defendant J.R., a minor, and Lachadrick Reese.

DONE and **ORDERED** in Tampa, Florida, on October 25, 2017.



JULIE S. SNEED
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:
Counsel of Record
Unrepresented Party