

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

Case No. 08-61236-CIV-COHN/SELTZER

ETIENNE DORVILUS, on his own
behalf and all others similarly
situated,

SCANNED

Plaintiff,

v.

SHLOMIE'S KOSHER BAKERY, INC.,
a Florida corporation, and CHAIM
FEDER, individually,

Defendants.

ORDER ENTERING DEFAULT

THIS CAUSE is before the Court *sua sponte*. On October 31, 2008, the Court entered an Order granting a Motion to Withdraw filed by Defendant Shlomie's Kosher Bakery, Inc.'s ("Shlomie's") former counsel. Based on the well-settled principle of law that a corporation cannot appear *pro se* and must be represented by counsel, see Palazzo v. Gulf Oil Corp., 764 F.2d 1381, 1385-1386 (11th Cir. 1985), cert. denied, 474 U.S. 1058 (1986), the Court ordered that Shlomie's had up to and including December 1, 2008 to have substitute counsel file a notice of appearance in this case. Shlomie's failed to have a notice of appearance filed by December 1, 2008.

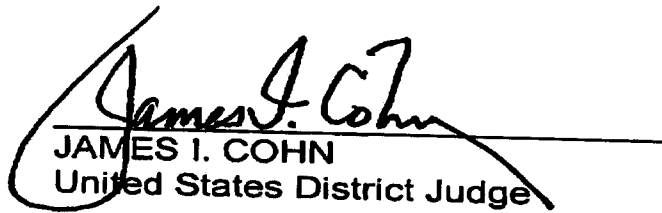
In an Order dated December 5, 2008, the Court directed Shlomie's to have substitute counsel file a notice of appearance by December 19, 2008 and the Court advised Shlomie's that failure to do so would result in a default being entered against Shlomie's. To date, no notice of appearance has been filed on Shlomie's behalf.

Accordingly, it is hereby

ORDERED AND ADJUDGED that the Clerk of Court shall enter a **DEFAULT** in favor of Plaintiff Etienne Dorvilus and against Defendant Shlomie's. It is further

ORDERED AND ADJUDGED that the Clerk of Court shall **STRIKE** Defendants' Answer and Affirmative Defenses to Plaintiff's Complaint ("Answer") as it pertains to Defendant Shlomie's.¹

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, on this 22nd day of December, 2008.


JAMES I. COHN
United States District Judge

Copies provided to:

Counsel of record

Shlomie's Kosher Bakery, Inc.
c/o Chaim Feder
1170 Ocean Parkway
Brooklyn, NY 11230

¹ The Answer remains valid with respect to Defendant Chaim Feder.