

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

CASE NO. 08-61980-CIV-ZLOCH

PHILLIP PATNAUDE,

Plaintiff,

**ORDER ENTERING DEFAULT AS TO
DEFENDANT
SEARS PEST CONTROL, INC.**

vs.

SEARS PEST CONTROL, INC.
ALAN KRAVITSKY, and LARRY
KRAVITSKY,Defendants.

THIS MATTER is before the Court upon Plaintiff Phillip Patnaude's Motion For Entry Of Clerk's Default (DE 8). The Court has carefully reviewed said Motion and the entire court file and is otherwise fully advised in the premises.

As demonstrated by a Return of Service (DE 6), Defendant Sears Pest Control was served on December 17, 2008, with a copy of the Complaint and Summons filed herein. Defendant Alan Kravitsky was also served and appearing pro se filed what can be loosely considered an Answer on January 8, 2009. The time for Defendant Sears Pest Control to file an Answer has elapsed and Plaintiff has filed the instant Motion (DE 8). But Defendant Alan Kravitzky has filed a Response (DE 12) to the instant Motion as Defendant Sears Pest Control, Inc.'s agent. While Mr. Kravitzky may appear and defend this action, pro se, a corporation is not allowed to defend an action without an attorney. Palazzo v. Gulf Oil Corp., 764 F.2d

1381, 1385 (11th Cir. 1985). Therefore, the Court will strike the Response (DE 12) filed by Kravitz on behalf of the corporate Defendant and enter a Default against Defendant Sears Pest Control, Inc.

Accordingly, after due consideration, it is

ORDERED AND ADJUDGED that Plaintiff Phillip Patnaude's Motion For Entry Of Clerk's Default (DE 8) be and the same is hereby **GRANTED** as to Defendant Sears Pest Control, Inc. as follows:

1. The Response (DE 12) filed on behalf of Defendant Sears Pest Control, Inc. be and the same is hereby **STRICKEN**;

2. Pursuant to Rule 55 Default be and the same is hereby entered against Defendant Sears Pest Control, Inc. Default Final Judgment shall be entered by separate Order of the Court;

3. Pursuant to Rule 55(b)(2) by noon, Thursday, January 29, 2009, Plaintiff shall file with the Clerk of this Court and serve upon Defendant Sears Pest Control, Inc. a Motion For Default Final Judgment, complete with supporting Affidavits and Exhibits, together with a proposed Default Final Judgment as to said Defendant;

4. By noon, Tuesday, February 3, 2009, Plaintiff shall file with the Clerk of this Court Notice that he has served said Defendant with a copy of his Motion For Default Final Judgment; and

5. Upon the failure of Plaintiff to comply with the terms and conditions of this Order, the Court may dismiss this action without prejudice and without further notice or hearing.

DONE AND ORDERED in Chambers at Fort Lauderdale, Broward County, Florida, this 22nd day of January, 2009.



WILLIAM J. ZLOCH
United States District Judge

Copies furnished:

All Counsel and Parties of Record