

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
WEST PALM BEACH DIVISION

HOME DESIGN SERVICES, INC.,

Plaintiff,

v.

CASE NO: 08-14435-CIV-MARTINEZ/LYNCH

LH CUSTOM HOMES, INC.

PATSI MELTZER,

Defendants.

**PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT BY THE CLERK OF COURT
AGAINST DEFENDANT LH CUSTOM HOMES, INC.**

Plaintiff, Home Design Services, Inc., by and through undersigned counsel and pursuant to the Federal Rules of Civil Procedure, hereby moves for entry of default by the Clerk of Court against Defendant, LH Custom Homes, Inc.

On December 22, 2008, Plaintiff filed its Complaint in the present matter. LH Custom Homes, Inc. were thereafter served with process on January 17, 2009. *See*, Return of Summons (Docket Number 9).

As of the date of this motion, the Defendant LH Custom Homes, Inc. has failed to file an Answer to Plaintiff's Complaint pursuant to Rule 12 Fed. R. Civ. P. Therefore, LH Custom Homes, Inc. has failed to comply with Rule 12(a) of the Federal Rules of Civil Procedure, which required it to file an Answer within twenty (20) days of being served with Plaintiff's Complaint. Accordingly, Plaintiff is entitled to an entry of default by the Clerk of Court against LH Custom Homes, Inc. in accordance with Fed. R. Civ. P. 55(a).

Respectfully submitted this 6th day of March, 2009.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on March 6, 2009, I electronically transmitted the attached document to the Clerk of Court using the ECF System and regular mail to Patsi L. Meltzer, 5844 NW Windy Pines Lane, Port Saint Lucie, Florida 34984; and LH Custom Homes, Inc., 566 SE Port St Lucie Blvd., Port St. Lucie, FL 34984.

Respectfully Submitted,

/s/ Kirt R. Posthuma, Esq.

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