

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION**

CASE NO.: 23-cv-21290-GAYLES/TORRES

APPLYA CORPORATION,

Plaintiff,

v.

**TBG TECH CO. LLC and
JOHANNES FLOE**

Defendants.

ORDER

THIS CAUSE comes before the Court on Defendant Johannes Floe’s Motion to Set Aside Default Judgment [ECF No. 81] that was entered against his former co-Defendant, TBG Tech Co. LLC (“TBG Tech”), on August 2, 2024. [ECF No. 79]. This case was referred to Chief Magistrate Judge Edwin G. Torres for a ruling on all pretrial non-dispositive matters and a report and recommendation on all dispositive matters, pursuant to 28 U.S.C. § 636(b)(1)(B). [ECF No. 99]. On December 20, 2024, Judge Torres issued his report recommending that the Defendant’s Motion be granted (the “Report”). [ECF No. 120]. The parties did not object to the Report.

A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1). Those portions of the report and recommendation to which objection is made are accorded *de novo* review, if those objections “pinpoint the specific findings that the party disagrees with.” *United States v. Schultz*, 565 F.3d 1353, 1360 (11th Cir. 2009); *see also* Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which *no* specific objection is made are reviewed only for clear error. *Liberty Am. Ins. Grp., Inc. v. WestPoint*

Underwriters, L.L.C., 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); accord *Macort v. Prem, Inc.*, 208 F. App'x 781, 784 (11th Cir. 2006).


This Court finds no clear error with Judge Torres's well-reasoned analysis and agrees with his conclusion that Defendant Johannes Floe's Motion should be granted and that the Default Judgment entered against TBG Tech should be vacated. However, TBG Tech shall remain in default and be precluded from asserting any defenses for its repeated failure to retain counsel.

CONCLUSION

After careful consideration, it is **ORDERED AND ADJUDGED** as follows:

- (1) Chief Magistrate Judge Torres's Report and Recommendation, [ECF No. 120], is **ADOPTED in full;**
- (2) Defendant Johannes Floe's Motion to Set Aside Default Judgment [ECF No. 81] is **GRANTED.**
- (3) The Default Judgment entered against TBG Tech Co. LLC [ECF No. 79] is **VACATED.**

DONE AND ORDERED in Chambers at Miami, Florida, this 7th day of January, 2025.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE