

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
COLUMBUS DIVISION

PUBLIC SERVICE TOWERS, INC., *
Plaintiff, *

vs. * CASE NO. 4:08-CV-92(CDL)

BEST BUY STORES, L.P., *
Defendant and Third-Party *
Plaintiff, *

vs. *

PINNACLE CONSTRUCTION SERVICES, *
INC., *
Third-Party Defendant. *

*

O R D E R

Presently pending before the Court is Third-Party Plaintiff's Motion for Default Judgment (Doc. 8) against Third-Party Defendant. For the following reasons, Third-Party Plaintiff's motion is granted.

DISCUSSION

Third-Party Plaintiff Best Buy Stores, L.P. ("Best Buy") filed a third-party complaint against Third-Party Defendant Pinnacle Construction Services, Inc. ("Pinnacle") on August 28, 2008. (Ans. and 3d Party Compl. 5.) The third-party complaint was served upon Pinnacle's registered agent on September 9, 2008. Pinnacle has failed to answer Best Buy's complaint. (Ragains Aff. ¶ 4, Oct. 8,

2008.) Therefore, the Clerk properly entered a default against Pinnacle on October 10, 2008. See Fed. R. Civ. P. 55(a).

Best Buy is likewise entitled to a default judgment against Pinnacle on the issue of liability. See Fed. R. Civ. P. 55(b)(2). Since the amount of damages to be included in the default judgment cannot be determined until Best Buy's liability to Plaintiff Public Service Towers, Inc. is determined, the Court will schedule a hearing at the appropriate time to determine the amount of the default judgment.

IT IS SO ORDERED, this 15th day of October, 2008.

S/Clay D. Land
CLAY D. LAND
UNITED STATES DISTRICT JUDGE