

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

KEN CORBETT FARMS, INC.,

Plaintiff,

v.

TJ PRODUCE, INC., *et al.*,

Defendants.

Civil Action 7:12-CV-87 (HL)

ORDER

The Court entered an order on February 12, 2013 asking for a status update in this case, in which there has been very little activity since the case was removed on July 16, 2012. In response to that Order, on February 26, 2013, the deadline for the status update, Plaintiff filed a Motion for Default Judgment (Doc. 14). Later that afternoon, Defendants filed an Answer (Doc. 16).

The Court finds that a default judgment is not appropriate. The Court recognizes that Defendants' Answer was filed late, but finds that, at this point, it is best to allow the case to proceed. The entry of a default judgment is generally committed to the discretion of the district court. Hamm v. DeKalb Cnty., 774 F.2d 1567, 1576 (11th Cir. 1985). "A default judgment is a harsh remedy that is disfavored by the courts. Accordingly, there is a preference that liability be decided on the merits." Bivens v. Roberts, No. 208CV026, 2009 WL 411527, at *6 (S.D. Ga. Feb. 18, 2009).

Based on the judicial preference to decide cases on their merits, the Motion for Default Judgment is denied. A scheduling and discovery report shall be sent to the parties and the case shall proceed. However, Defendants are encouraged to learn from their mistakes and ensure that all future deadlines are met.

SO ORDERED, this 1st day of March, 2013.

s/Hugh Lawson
HUGH LAWSON, SENIOR JUDGE

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