

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION**

CHOICE HOTELS INTERNATIONAL, INC.,

Plaintiff,

v.

ADITI ANYA, LLC; and AVADHESH
PATEL,

Defendants.

CIVIL ACTION NO.: 2:17-cv-101

ORDER

This matter is before the Court on Defendants failure to comply with their Federal Rule of Civil Procedure 12(a) obligation to timely answer or serve a responsive pleading. Plaintiff filed this trademark infringement action on August 29, 2017. (Doc. 1.) Thereafter, Plaintiff effected personal service on Defendant Aditi Anya, LLC on September 9, 2017, (doc. 8-1, p. 2), and on Defendant Patel on October 19, 2017, (doc. 9-1, p. 2). Under Rule 12(a), when a defendant has been personally served, that defendant must serve a responsive pleading or serve an answer “within 21 days after being served with the summons and complaint[.]” Fed. R. Civ. P. 12(a)(1)(A)(i); Gardner v. Aloha Ins. Servs., 566 F. App’x 903, 906 (11th Cir. 2014). Defendants in this case have yet to file any responsive pleading or otherwise appear, despite having been personally served well over twenty-one days ago. In fact, more than 100 days have passed since Plaintiff personally served each Defendant.

Federal Rule of Civil Procedure 55(a), governing defaults, provides “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” See

also Perez v. Wells Fargo N.A., 774 F.3d 1329, 1336–37 (11th Cir. 2014) (discussing Rule 55). As noted, neither Defendant Aditi Anya, LLC nor Defendant Patel have filed an answer or otherwise defended the case against them since being personally served. Consequently, the Court **DIRECTS** the Clerk of Court to enter Defendants’ default in this case pursuant to Federal Rule of Civil Procedure 55(a). If Plaintiff intends to seek entry of a default judgment against Defendants under Federal Rule of Civil Procedure 55(b), Plaintiff must move for such within **twenty-one (21)** days of the date of this Order. If Plaintiff does not timely move for default judgment or otherwise endeavor to advance its cause of action, the Court may dismiss this case for failure to prosecute and failure to follow this Court’s Order.

SO ORDERED, this 1st day of February, 2018.

A handwritten signature in blue ink, appearing to read "R. Stan Baker". The signature is stylized and cursive.

R. STAN BAKER
UNITED STATES MAGISTRATE JUDGE
SOUTHERN DISTRICT OF GEORGIA