

IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF GEORGIA 2016 APR 18 AM 10:57  
SAVANNAH DIVISION

CLERK   
SO. DIST. OF GA.

CHEREE SHIPMAN, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MARLO ENTERPRISES, INC. d/b/a )  
Collection Concepts, Inc., and )  
MARTIN REED, )  
 )  
Defendants. )  
 )

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CASE NO. CV414-052

O R D E R

Before the Court is Plaintiff's Motion for Default Judgment (Doc. 18), to which there has been no response. In this motion, Plaintiff requests a default judgment against Defendants Marlo Enterprises, Inc. ("Marlo") and Martin Reed. (Doc. 18.) For the following reasons, Plaintiff's motion is **DISMISSED AS MOOT**.

Plaintiff initially filed this suit on March 14, 2014. (Doc. 1.) On May 9, 2014, Defendants filed a Motion for Extension of Time (Doc. 7) in order to seek an attorney. This motion was granted. (Doc. 8.) On July 11, 2014, Defendants filed a Motion to Dismiss<sup>1</sup> (Doc. 9) to which Plaintiff responded by requesting an opportunity to amend her complaint (Doc. 12 at 6).

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<sup>1</sup> The Court recognizes that Defendants' motion suffered from numerous substantive and procedural deficiencies including that the motion was filed out of time by a non-attorney purporting to represent both the individual and corporate defendants in this action. (Doc. 13 at 2.)

On July 14, 2014, a clerk's entry of default was entered as to Defendant Marlo. (Doc. 11.) On February 9, 2015, the Court granted Plaintiff's request to amend and ordered that Plaintiff file an amended complaint. (Doc. 13.) On February 10, 2015, Plaintiff filed her amended complaint. (Doc. 15.) Defendants never responded to the amended complaint. On April 29, 2015, a Clerk's Entry of Default was entered as to Defendant Reed. (Doc. 17.) On October 13, 2015, Plaintiff filed the Motion for Default Judgment presently before the Court. (Doc. 18.)

There appear to be multiple issues with this case, chief among them is the fact that the amended complaint and motion for default judgment seem to have been served at the wrong address—815 Forest Park Drive—rather than 6815 Forest Park Drive. (Doc. 15 at 9; Doc. 18 at 3.) Additionally, a clerk's entry of default was entered as to Defendant Marlo after Defendants had filed a Motion for an Extension of Time (Doc. 7) and a Motion to Dismiss (Doc. 9). Moreover, the clerk's entry of default as to Marlo was entered prior to Plaintiff filing her amended complaint. Given the confused procedural posture of this case, the Court concludes that entering default at this time would be premature. As a result, the Clerk's entries of default as to Defendants Marlo (Doc. 11) and Reed (Doc. 17) are **VACATED**. Plaintiff's Motion for Default Judgment (Doc. 18) is accordingly **DISMISSED AS MOOT**. Plaintiff is **ORDERED** to re-serve the Amended Complaint

(Doc. 15) at the correct address. Should the Defendants fail to respond, Plaintiff may seek a clerk's entry of default and default judgment.

SO ORDERED this 18<sup>th</sup> day of April 2016.

  
WILLIAM T. MOORE, JR.,  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA