

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

CHARLES SCURLOCK,

Plaintiff,

v.

PENTHOUSE INTERNATIONAL
ENTERTAINMENT CONSULTANTS IEC,

Defendant.

Case No. 15-cv-338-JPG-DGW

MEMORANDUM AND ORDER

This matter comes before the Court on plaintiff Charles Scurlock's motion for default judgment (Doc. 9) following entry of default by the Clerk of Court on August 20, 2015 (Doc. 8). In reviewing the file, the Court has noted several problems with this case.

The return of service on defendant Penthouse International Entertainment Consultants IEC ("Penthouse") (Doc. 5) reflects service using a method authorized for service on an individual defendant under Federal Rule of Civil Procedure 4(e), but Penthouse is a corporate defendant and must be served according to Federal Rule of Civil Procedure 4(h). That means the person with whom the summons and complaint are left must be identified by name and must be able to accept service of process on behalf of the defendant organization. There is no evidence in the record that this was done. Accordingly, the Court **VACATES** the Clerk's entry of default (Doc. 8) and, pursuant to Federal Rule of Civil Procedure 4(m), **EXTENDS** the deadline for proper service of process on the defendant to January 8, 2016.

In light of the fact that entry of default has been vacated, default judgment is not warranted at this time. Accordingly, the Court **DENIES** Scurlock's motion for entry of default judgment **without prejudice** (Doc. 9). The Court further notes that there is no certificate that Scurlock has

provided notice of entry of default to Penthouse as required by Local Rule 55.1(a) and no statement that Scurlock has served the motion for default judgment on Penthouse as required by Local Rule 55.1(b), which would have been independent grounds for denying the motion for default judgment.

IT IS SO ORDERED.

DATED: November 5, 2015

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE