

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
FORT WAYNE DIVISION

SELECTSUN GMBH,)	
)	
Plaintiff,)	
)	
v.)	No. 1:14 CV 215
)	
PORTER, INC., d/b/a Thunderbird Products,)	
and INTERNATIONAL NAUTIC, LLC,)	
)	
Defendants.)	

ORDER

This matter is before the court on Magistrate Judge Collins' Report and Recommendation ("R&R") pursuant to 28 U.S.C. § 636(b)(1)(b), Federal Rule of Civil Procedure 72(b), and Northern District of Indiana Local Rule 72-1(b). (DE # 130.)

Magistrate Judge Collins recommended that the court strike International Nautic's Answer (DE # 15, 78) and Motion to Dismiss (DE # 80), and enter a default judgment against it as a sanction under Federal Rule of Civil Procedure 16(f)(1), essentially because International Nautic has abandoned this litigation. It is a limited liability company which must be represented by an attorney, and it no longer is.

Consistent with that abandonment, International Nautic did not object to the R&R. Defendant Porter, Inc., did, however, primarily on the basis that a default against International Nautic creates the risk of an inconsistent result. (DE # 133.)

International Nautic must conduct its own litigation, therefore Porter, Inc.'s objection (DE # 133) is **OVERRULED**. Magistrate Judge Collins' R&R (DE # 130) is **ADOPTED** as the court's opinion. Therefore, the court **STRIKES** International Nautic's

Answer (DE # 15, 78) and Motion to Dismiss (DE # 80), and order default judgment against it as a sanction under Federal Rule of Civil Procedure 16(f)(1). In order to avoid the possibility of inconsistent results, the court withholds entry of a final judgment on the default until the conclusion of this litigation.

SO ORDERED.

Date: March 31, 2016

s/James T. Moody
JUDGE JAMES T. MOODY
UNITED STATES DISTRICT COURT