

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

| | | |
|------------------------|---|--------------------------------|
| JACK HOOPER, |) | |
| |) | |
| Plaintiff, |) | |
| |) | |
| vs. |) | Case No. 1:16-cv-01385-TWP-DML |
| |) | |
| KEN MOSIER and |) | |
| THE FINER DETAILS LLC, |) | |
| |) | |
| Defendants. |) | |

**ORDER ON MOTION FOR ENTRY OF DEFAULT AND
DIRECTING DEFENDANT THE FINER DETAILS, LLC TO SHOW CAUSE**

This matter is before the Court on the Plaintiff's Application for Clerk's Entry of Default against both defendants, Ken Mosier and The Finer Details, LLC. The Court finds that a clerk's entry of default is not warranted as to defendant Ken Mosier. The Court requires defendant The Finer Details, LLC to show cause why an entry of default should not be made against it.

A. Defendant Ken Mosier

Defendant Ken Mosier, acting *pro se*, filed an Answer to Complaint on July 25, 2016. Default is an extreme remedy which should be given only when absolutely necessary. "In considering whether to grant default, courts may look to a number of factors including 'the nature of the default, prejudice to the plaintiff, and whether the delay is excusable.'" *Best Chairs, Inc. v. Factory Direct Wholesale, LLC*, No. 3:14-CV-00067-RLY, 2015 WL 4641698, at *3 (S.D. Ind. Aug. 4, 2015). The Court, having reviewed the Plaintiff's Application and noting that an answer was filed by Ken Mosier on July 25, 2016 (about 30 days after the Plaintiff served his Amended Complaint), finds that a clerk's entry of default is not warranted for Ken Mosier.

B. Defendant The Finer Details, LLC

Defendant The Finer Details, LLC has not appeared in this case or filed an answer. The Answer to Complaint filed by Ken Mosier cannot be considered an answer filed by The Finer Details, LLC. The Finer Details, LLC cannot represent itself. As an entity and not a human being, it may only defend a case through an attorney. *E.g., In re IFC Credit Corp.*, 663 F.3d 315, 318 (7th Cir. 2011). The Court ORDERS The Finer Details, LLC to appear by counsel and to show cause, in writing, by **October 4, 2016**, why an entry of default should not be made against it.

Conclusion

The Plaintiff's Application for Clerk's Entry of Default ([Filing No. 14](#)) is **DENIED IN PART** (as to defendant Ken Mosier) **AND TAKEN UNDER ADVISEMENT IN PART** (as to defendant The Fine Details, LLC).

SO ORDERED.

Date: 9/20/2016

Distribution:

All ECF-registered counsel of record by email through the court's ECF system

Service by first class U.S. mail on:

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TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana