

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDINAR BUFORD,)	
)	
Plaintiff,)	
)	
v.)	No. 1:17-cv-2125-TAB-SEB
)	
CUSHMAN & WAKEFIELD U.S., INC.,)	
CASTLETON PARK INDIANAPOLIS, LP,)	
CASTLETON PARK INDIANAPOLIS)	
MANAGEMENT, LLC,)	
KIMBERLY-CLARK CORPORATION,)	
CORPORATE CLEANING SYSTEMS, INC.,)	
)	
Defendants.)	

**ORDER GRANTING MOTION FOR LEAVE TO FILE AN ANSWER
AND DENYING MOTION FOR ENTRY OF DEFAULT**

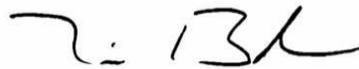
Plaintiff Indinar Buford moved for an entry of default. Before the Clerk made the entry, Defendant Corporate Cleaning Systems, Inc. requested leave to file an answer to Buford’s first amended complaint. For the reasons noted below, the Court grants CCS’s motion for leave to file an answer to Buford’s first amended complaint [[Filing No. 35](#)] and denies as moot Buford’s motion for entry of default. [[Filing No. 30.](#)]

The Court has a strong preference for deciding suits on their merits. While circumstances may justify resolving cases by default, the facts here do not rise to that level. CCS submitted an affidavit from its interim president, Kenneth Dario, showing internal confusion regarding a tender of defense of a co-defendant and whether CCS or its insurance company was responsible for answering the complaint. [[Filing No. 39, at ECF p. 3, ¶¶ 13–14; Filing No. 40, at ECF pp. 2–3.](#)] CCS submitted its motion for leave to file an answer eight days after Buford served his

motion for default.¹ Additionally, CCS requested leave only until November 3, 2017, to file its answer. [[Filing No. 35, at ECF p. 2, ¶ 6.](#)] Furthermore, a default judgment would be ill advised because CCS's reply brief outlines a number of reasons why liability in this matter is not a foregone conclusion. [[Filing No. 39, at ECF p. 5, ¶ 22.](#)]

Therefore, the Court grants CCS's motion. [[Filing No. 35.](#)] CCS is given seven days from the date of this order to file an answer or other response. As a result, the Court denies Buford's motion [[Filing No. 30](#)] as moot.

Date: 11/30/2017



Tim A. Baker
United States Magistrate Judge
Southern District of Indiana

Distribution: All counsel of record by email.

¹ Buford filed its motion for default on October 4, 2017, [[Filing No. 38, at ECF p. 2, ¶ 7](#)] and served CCS with a copy on October 12, 2017. [[Filing No. 39, at ECF p. 3, ¶ 12.](#)] CCS filed its motion on October 20, 2017. [[Filing No. 35.](#)]