

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS**

JOSEPH OSBORNE,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 11-2335-KGG
)	
C&D COMPLETE BUSINESS)	
SOLUTIONS, INC., and)	
SONYA CUMMINGS)	
)	
Defendants.)	
_____)	

ORDER GRANTING MOTION FOR DEFAULT JUDGMENT

Before the Court is Plaintiff’s Motion for Entry of Default (Doc. 56). Defendants in this case, C & D Complete Business Solutions, Inc. and Sonya Cummings, have appeared in this matter. The corporate Defendant originally appeared through counsel, which is, by law, the only way a corporation can appear. The same counsel represented individual Defendant Sonya Cummings. Defense counsel were, however, granted leave to withdraw as to both Defendants. (Doc. 45). Corporate Defendant has not thereafter participated. Ms. Cummings appeared *pro se* in a telephone conference on December 18, 2012. Plaintiff was subsequently granted leave to file a Third Amended Complaint, and did so on

February 12, 2013. (Doc. 52). That pleading reflects proper service by mail to both Defendants at the addresses they entered with the Court in this matter.

Neither Defendant has filed an Answer to the Third Amended Complaint, although the time for such Answer has passed.

Plaintiff filed the present Motion for Entry of Default on March 15, 2013, which also reflects service by mail upon Defendants. Neither has responded, although the time for such response has passed. The Court conducted a telephone status conference on April 8, 2013, for which Defendant Cummings was given proper notice. Regardless, neither Defendant appeared for the conference.

The Court finds that default judgment should be entered on behalf of the Plaintiff against both Defendants. Plaintiff's motion is **GRANTED**.

IT IS, THEREFORE, ORDERED AND ADJUDGED that Defendants C & D Complete Business Solutions, Inc. and Sonya Cummings are in default, and default judgment is hereby entered herein. Plaintiff shall, within 30 days, present a motion with such accompanying evidence as is appropriate pursuant to Federal Rule of Civil Procedure 55(b)(2)(B) concerning and supporting his request for damages. Such motion shall be served upon Defendants, who shall answer within 14 days or be in default thereof. A copy of this Order is being sent to Defendants, via both certified and regular mail, at the address currently on file with the Court.

IT IS SO ORDERED.

Dated at Wichita, Kansas, on this 9th day of April, 2013.

S/ KENNETH G. GALE
Kenneth G. Gale
United States Magistrate Judge