

**UNITED STATES DISTRICT COURT
DISTRICT OF MARYLAND**

Chambers of
Ellen Lipton Hollander
District Court Judge

101 West Lombard Street
Baltimore, Maryland 21201
410-962-0742

October 13, 2016

MEMORANDUM TO COUNSEL

Re: Seghetti et al. v. Flagstar Bank FSB et al.
Civil Action No. ELH-16-0519

Dear Counsel:

As you know, on February 23, 2016, Holly and Jack Seghetti filed suit against Flagstar Bank FSB and Mortgage Contracting Services for alleged “violations of the Common Law of Maryland, the Maryland Consumer Debt Collection Act (the ‘MCDCA’), and the Maryland Consumer Protection Act (‘MCPA’).” ECF 1, ¶ 2. On April 28, 2016, plaintiffs submitted an Amended Complaint. ECF 26.

On August 11, 2016, defendant Mortgage Contracting Services filed a Third-Party Complaint against Janelle and John’s Lawn and Landscaping Service LLC d/b/a Janelle & John’s Lawn & Landscape (“Janelle and John’s”). ECF 48. In the Third-Party Complaint, Mortgage Contracting Services alleges negligence and breach of contract, and seeks indemnification and contribution. *Id.* On September 2, 2016, a summons return was executed, which evidenced service on Janelle and John’s on August 31, 2016. ECF 51.

Pursuant to Fed. R. Civ. P. 12(a)(1)(A)(i), a defendant must respond to a complaint within 21 days of service of the suit. As of this date, no responsive pleading to the Third-Party Complaint has been filed by Janelle and John’s. See Docket. Therefore, within seventeen days of the date of docketing of this Order, Mortgage Contracting Services is directed to file a motion for clerk’s entry of default as to Janelle and John’s, pursuant to Fed. R. Civ. P. 55(a), or show cause why such action is not appropriate.

Despite the informal nature of this Memorandum, it is an Order of the Court and the Clerk is directed to docket it as such.

Very truly yours,

/s/
Ellen Lipton Hollander
United States District Judge