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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF MISSISSIPPI EASTERN DIVISION

ESPERONDA BAKER PLAINTIFF

V. CIVIL ACTION NO.: 1:09CV36-SA-JAD

ROGERS LEE HOLMAN, in his individual capacity, CITY OF OKOLONA, MISSISSIPPI and CNA SURETY CO. a/k/a WESTERN SURETY CO.

**DEFENDANTS** 

## ORDER DENYING FIRST MOTION FOR DEFAULT AS TO DEFENDANT ROGERS LEE HOLMAN

A hearing was held before the Court on Plaintiff's First Motion for Default Judgment as to Defendant Rogers Lee Holman [28]. Defendant Holman appeared and testified that he had not properly been served with process. Holman expressed his desire to file an Answer to the Complaint. The Court instructed Holman to immediately seek counsel and file his Answer.

Based on the testimony at the hearing, the Court finds Plaintiff's First Motion for Default as to Defendant Rogers Lee Holman [28] is not well taken and is denied.

SO ORDERED, this the 12th day of February, 2010.

/s/ Sharion Aycock
UNITED STATES DISTRICT JUDGE