Employers & Cement Masons #90 Health & Welfare Fund et al v. Ehret, Inc. Doc. 8

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

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| EMPLOYERS & CEMENT MASONS #90 HEALTH & WELFARE FUND and EMPLOYERS & CEMENT MASONS #90 PENSION FUND, | ) | |
| Plaintiffs, | ) | |
| v. | ) | Case No. 4:13CV01678 AGF |
| EHRET, INC., | ) | |
| Defendant. | ) | |

**MEMORANDUM AND ORDER**

This case is before the Court on Plaintiffs' motion to reconsider the denial by the Clerk of Court of Plaintiffs' motion for entry of default against Defendant. For the reasons stated in the Clerk of Court's Order, Plaintiffs' motion shall be denied. Plaintiffs' proof of service referred to Jody Motes as being "designated by law to accept service of process on behalf of" Defendant. However, the Clerk of Court noted that Motes is neither the registered agent nor an officer of the corporation. If the person served had the authority to accept service on some basis other than designation by law, the proof of service form has an area for the process server to specify that the person served was authorized by the defendant to accept service of process on its behalf in some other way. (Doc. No. 3 at 3). The Court will reconsider Plaintiffs' motion upon the submission of some evidence that Motes is authorized to accept service of process on

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behalf of Defendant.

Accordingly,

**IT IS HEREBY ORDERED** that Plaintiffs' motion to reconsider is **DENIED**. (Doc. No. 6.)

AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated this 3rd day of October, 2013.