

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

TRACY LUTTRELL, )  
                        )  
Plaintiff,           )  
                        )  
vs.                   )                      Case No. 4:13CV02586 AGF  
                        )  
2 MANAGEMENT OF SOUTH DAKOTA, )  
INC., KENNETH PETERSON, and     )  
2 MANAGEMENT STONE IDOL       )  
RANCH, LLC,                )  
                        )  
Defendants.           )

**MEMORANDUM AND ORDER**

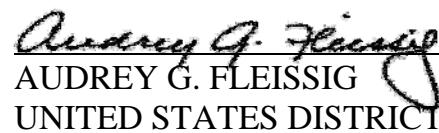
This employment discrimination action is before the Court on Plaintiff's' motion for default judgment against one of the three named Defendants, 2 Management Stone Idol Ranch, LLC. Plaintiff brought this action seeking damages under Title VII, the Fair Labor Standards Act, the Missouri Human Rights Act, and Missouri common law for wrongful discharge. She alleges that Defendant Kenneth Peterson violated her rights when he acted on behalf of one or the other of the two entities named as Defendants: 2 Management of South Dakota, Inc. ("South Dakota"), and 2 Management Stone Idol Ranch, LLC. ("Stone Idol Range") Peterson and South Dakota filed timely answers but Stone Idol Ranch did not and on January 5, 2015, a Clerk's Entry of default was entered as to Stone Idol Ranch.

Plaintiff now seeks default judgment against Stone Idol Ranch in the amount of approximately \$400,000 in compensatory damages, and punitive damages in the amount of

\$3,900,000. The Court will deny without prejudice this motion for default judgment to avoid the possibility of inconsistent results in this case. *See Pfanenstiel Architects, Inc. v. Chouteau Petroleum Co.*, 978 F.2d 430, 433 (8th Cir.1992) (“[w]hen there are multiple defendants who may be jointly and severally liable for damages alleged by plaintiff, and some but less than all of those defendants default, the better practice is for the district court to stay its determination of damages against the defaulters until plaintiff’s claim against the nondefaulters is resolved.”); *Angelo Iafrate Const., LLC v. Potashnick Const., Inc.*, 370 F.3d 715, 722 (8th Cir. 2004) (“When co-defendants are similarly situated, inconsistent judgments will result if one defendant defends and prevails on the merits and the other suffers a default judgment.”); *Edwards v. Dwyer*, 1:06-CV-1 CAS, 2008 WL 222514, at \*1-2 (E.D. Mo. Jan. 25, 2008) (denying motion for default judgment without prejudice as to one defendant in a multiple-defendant case, where the claims against similarly-situated non-defaulting defendants were not yet resolved).

Accordingly,

Plaintiff’s motion for default judgment against Defendant 2 Management Stone Idol Ranch, LLC is **DENIED** without prejudice. (Doc. No. 48.)

  
AUDREY G. FLEISSIG  
UNITED STATES DISTRICT JUDGE

Dated this 7<sup>th</sup> day of January, 2015.