

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

AMERICAN FAMILY MUTUAL)
INSURANCE COMPANY,)
)
Plaintiff,)
)
v.)
)
JONATHAN L. WATERS, et al.,)
)
Defendants.)

Case No. 4:18-CV-284 NAB

MEMORANDUM AND ORDER

This matter is before the Court on review of the file. On March 29, 2018, this Court ordered Plaintiff American Family Mutual Insurance Company to file motions for entry of default and default judgment against Defendants Mark A. Thomeczek and Jonathan L. Waters. [Doc. 8.] On April 2, 2018, Plaintiff filed motions for default judgment, but not for clerk’s entry of default. “When a party has failed to plead or otherwise defend against a pleading listed in Rule 7(a), entry of default under Rule 55(a) must precede grant of a default judgment under Rule 55(b).” *Johnson v. Dayton Elec. Mfg. Co.*, 140 F.3d 781, 783 (8th Cir. 1998). Therefore, the Court will order Plaintiff to file motions for clerk’s entry of default against Defendants Mark A. Thomeczek and Jonathan L. Waters no later than April 23, 2018.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff shall file motions for clerk's entry of default against Defendants Mark A. Thomeczek and Jonathan L. Waters no later than April 23, 2018.

Dated this 11th day of April, 2018.

/s/ Nannette A. Baker
NANNETTE A. BAKER
UNITED STATES MAGISTRATE JUDGE