

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

DANIELS MANUFACTURING )  
COMPANY, a Nebraska corporation, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
MS DISTRIBUTING, a South Dakota )  
company, )  
 )  
Defendant. )

**8:10-cv-00206-LSC-FG3**

**ORDER**

This matter is before the magistrate judge for pretrial supervision. On June 21, 2010, interested party Michael Kuchta, who is not an attorney, filed a pleading on behalf of the defendant, MS Distributing. By order entered June 22, 2010 (#10), Mr. Kuchta was advised that he could not represent the defendant. The defendant was given until July 20, 2010 to retain counsel and to answer or otherwise respond to the complaint. The June 22, 2010 order advised that failure to answer or respond to the complaint, through counsel, could result in an entry of default against MS Distributing.

As of July 21, 2010, no attorney has entered an appearance on behalf of MS Distributing, and MS Distributing has failed to timely answer or otherwise respond to the complaint. It remains plaintiff's duty to go forward in prosecuting the case by, for example, obtaining an entry of default and filing a motion for default judgment.

**IT IS ORDERED** that plaintiff is given until **August 20, 2010** to obtain an entry of default pursuant to Fed. R. Civ. P. 55(a) and to file a motion for default judgment in accordance with Fed. R. Civ. P. 55(b), or take other appropriate action to prosecute this case. If appropriate action is not taken, I will recommend that the case be dismissed without prejudice pursuant to NECivR 41.1 for failure to prosecute.

**DATED July 21, 2010.**

**BY THE COURT:**

**s/ F.A. Gossett**  
**United States Magistrate Judge**