

March 12, 2014, this Court granted the motion for default judgment as to the Dairy, but denied the motion as to Mr. Puzino. In granting the motion for default judgment against the corporate Defendant, but not the individual, the Court noted that a corporation cannot appear in federal court without an attorney, and that, by failing to retain an attorney, as ordered by Magistrate Judge Waldor, the corporation had necessarily defaulted.

Mr. Puzino, however, has a right as an individual to represent himself *pro se*. As stated above, the record before this Court at the time of Plaintiff's prior application for default judgment indicated only that Magistrate Judge Waldor had "entered a violation of the Court Order on the record." There was, and is, no record before this Court of any further effort to get Mr. Puzino to participate in the litigation, provide discovery, or submit to a deposition. This Court had previously directed Plaintiff to present the matter to Magistrate Judge Waldor so that a full record, pursuant to Poullis v. State Farm, could be evaluated by both Magistrate Judge Waldor and this Court.

Plaintiff has failed to pursue that avenue, and the record at this point is inadequate to demonstrate that default judgment should be granted pursuant to Poullis. The motion for default judgment will be denied.

For these reasons,

IT IS on this 8th day of January, 2015,

ORDERED that Plaintiffs' motion for entry of default judgment (Docket Entry No. 39), pursuant to Federal Rule of Civil Procedure 55(b)(2), is **DENIED**.

s/ Stanley R. Chesler
Stanley R. Chesler, U.S.D.J.