THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF NORTH CAROLINA ASHEVILLE DIVISION CIVIL CASE NO. 1:15-cv-00029-MR-DLH

RAYMOND V. BOWERS,	
Plaintiff,	
vs.	ORDER
NORTHERN TWO CAYES COMPANY LIMITED and LIGHTHOUSE REEF RESORT LTD.,	
Defendants.)

THIS MATTER is before the Court on the Plaintiff's Request for Entry of Default [Doc. 11].

The Plaintiff initiated this action against the Defendant Northern Two Cayes Company Limited and Lighthouse Reef Resort Limited on February 12, 2015. [Doc. 1]. On April 9, 2015, the Plaintiff filed a motion for entry of default, asserting that the Defendants were served with process on March 16, 2015 and have failed to appear or otherwise defend.

While the motion for entry of default has been pending, counsel has made an appearance on behalf of the Defendants and has filed a motion to

dismiss this action. [Doc. 12]. It is noted that the appearance on behalf of the Defendants has been made by the attorney upon whom the Plaintiff served his Motion for Entry of Default (as shown on his certificate of service). Obviously Plaintiff was aware that the Defendants were represented and by whom, but did not signify to the Court that he had consulted with such counsel regarding his motion. As the Defendants have appeared and clearly seek to defend this action, the Court concludes that the Plaintiff's request for

IT IS, THEREFORE, ORDERED that the Plaintiff's Request for Entry of Default [Doc. 11] is **DENIED**.

IT IS SO ORDERED.

entry of default should be denied.

Signed: April 17, 2015

Martin Reidinger

United States District Judge

2