

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CINCINNATI INSURANCE CO.,	:	NO. 1:09-CV-00003
	:	
Plaintiff,	:	
	:	
v.	:	<b>OPINION AND ORDER</b>
	:	
DORSEY CONSTRUCTION CO., Inc.,	:	
et al.,	:	
	:	
Defendants.	:	

This matter is before the Court on the Magistrate Judge's July 16, 2009 Report and Recommendation (doc. 20), that Plaintiff's Motion for Entry of Default (doc. 19) be granted. Defendants filed no objection. For the reasons indicated herein, the Court ADOPTS and AFFIRMS the Magistrate Judge's Report and Recommendation.

Plaintiff filed its Complaint on January 5, 2009 against five-named Defendants (doc. 1). Plaintiff now moves for entry of default against Defendants Dorsey Construction Company, Andrea Pruneau, and Alfred Pruneau, as a result of Defendants' failure to plead, answer, or otherwise move or defend as to Plaintiff's Complaint (doc. 19).

In his Report and Recommendation, the Magistrate Judge reviewed the applicable standard governing entry of default under Fed. R. Civ. P. 55(a), and concluded that as Defendants have failed to plead or otherwise defend, and as that fact is made to appear by affidavit or otherwise, the Clerk should enter the party's default

(doc. 20). The Magistrate Judge found that Defendants' inaction has made it abundantly clear that they have no intention of defending this action, and thus an entry of default is warranted (Id.).

The Parties were served with the Report and Recommendation and were therefore afforded proper notice of the Magistrate Judge's Report and Recommendation required by 28 U.S.C. § 636(b)(1)(C), including that failure to file timely objections to the Report and Recommendation would result in a waiver of further appeal. United States v. Walters, 638 F.2d 947, 949-50 (6<sup>th</sup> Cir. 1981). Neither Party filed any objections thereto within the ten days provided for by Fed. R. Civ. P. 72(b) and 28 U.S.C. § 636(b)(1)(C).

Having reviewed this matter de novo pursuant to 28 U.S.C. §636(b), and finding no objection to the Magistrate Judge's Report and Recommendation, the Court finds such Report and Recommendation well-taken in all respects. Accordingly, the Court ADOPTS the Magistrate Judge's Report and Recommendation (doc. 20), GRANTS Plaintiff's Motion for Entry of Default (doc. 19), and DIRECTS the Clerk to enter a default against Defendants Dorsey Construction Company, Inc., Andrea Pruneau, and Alfred Pruneau pursuant to Fed. R. Civ. P. 55(a).

SO ORDERED.

Dated: August 18, 2009

s/S. Arthur Spiegel  
S. Arthur Spiegel  
United States Senior District Judge