

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

GREAT AMERICAN INSURANCE,
COMPANY,
Plaintiff,

Civil Action No. 1:15-cv-087
Barrett, J.
Litkovitz, M.J.

vs.

M & D TRANSPORTATION
SERVICES, INC., et al.,
Defendants.


**REPORT AND
RECOMMENDATION**

Plaintiff Great American Insurance Company brings this interpleader action against numerous corporate defendants. On October 28, 2015, plaintiff moved the Court for an order requiring the following corporate defendants who have not entered an appearance through counsel to do so or have default judgment entered against them: Apex Capital Corp. o/b/o National Express Carriers, Inc.; Genex Express Enterprises, Inc.; Webb Farm Services; Baxter Bailey & Associates, Inc. o/b/o Herrington Transportation, Inc.; Family Transport, Inc.; HMD Trucking, Inc.; Piccolo, Inc.; and P&B Logistics, Inc. (Doc. 90). The undersigned granted plaintiff's motion; ordered each of these corporate defendants to enter an appearance through counsel within 30 days of the date of the Order; and gave defendants notice that failure to enter an appearance through counsel within 30 days in accordance with the terms of the Order would result in entry of default judgment against that defendant. (Doc. 91). Each of the above named defendants has failed to enter an appearance through counsel within 30 days as required under the terms of the Order. Accordingly, default judgment against the defendants named in the Order is warranted.

IT IS THEREFORE RECOMMENDED THAT:

Plaintiff be ordered to file applications for entry of default with the Clerk of Court and to file motions for default judgment against the following corporate defendants: Apex Capital Corp. o/b/o National Express Carriers, Inc.; Genex Express Enterprises, Inc.; Webb Farm Services; Baxter Bailey & Associates, Inc. o/b/o Herrington Transportation, Inc.; Family Transport, Inc.; HMD Trucking, Inc.; Piccolo, Inc.; and P&B Logistics, Inc.

Date: 12/31/15


Karen L. Litkovitz
United States Magistrate Judge

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NOTICE

Pursuant to Fed. R. Civ. P. 72(b), **WITHIN 14 DAYS** after being served with a copy of the recommended disposition, a party may serve and file specific written objections to the proposed findings and recommendations. This period may be extended further by the Court on timely motion for an extension. Such objections shall specify the portions of the Report objected to and shall be accompanied by a memorandum of law in support of the objections. If the Report and Recommendation is based in whole or in part upon matters occurring on the record at an oral hearing, the objecting party shall promptly arrange for the transcription of the record, or such portions of it as all parties may agree upon, or the Magistrate Judge deems sufficient, unless the assigned District Judge otherwise directs. A party may respond to another party's objections **WITHIN 14 DAYS** after being served with a copy thereof. Failure to make objections in accordance with this procedure may forfeit rights on appeal. *See Thomas v. Arn*, 474 U.S. 140 (1985); *United States v. Walters*, 638 F.2d 947 (6th Cir. 1981).