

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

Aqua Immersion, LLC,	:	
Plaintiff	:	Civil Action 2:011-cv-00369
v.	:	
Columbus Scuba, Inc., <i>et al.</i> ,	:	Magistrate Judge Abel
Defendants	:	

**ORDER**

This matter is before the Court on plaintiff Aqua Immersion, LLC's January 8, 2012 request to the Clerk of Court to enter default against defendant Melissa Berry (doc. 21) and motion for default judgment against defendant Melissa Berry (doc. 22).

The proof of service attached to the request and motions is insufficient to demonstrate defendant Berry was properly served. The affidavit states:

"I left the summons at the individual's residence or usual place of abode with (*name*) \_\_\_\_\_  
Melissa Berry or \_\_\_\_\_, a person of suitable age and discretion who resides there . . . ."

The form requires the name of the person who was given the summons. If defendant was personally served, the form had a space for recording it. Here, it is not clear whether that person was defendant Berry or some other person. As a result, plaintiff's motions (docs. 21 & 22) are DENIED without prejudice.

s/ Mark R. Abel  
United States Magistrate Judge