

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

BOBBY GREEN,	:	
Plaintiff,	:	
v.	:	Case No. 3:17-CV-436
UNITED STATES OF AMERICA,	:	JUDGE WALTER H. RICE
et al.,	:	
Defendants.	:	

DECISION AND ENTRY SUSTAINING PLAINTIFF’S MOTION FOR
ENTRY OF DEFAULT JUDGMENT AGAINST UNITED HEALTHCARE
(DOC. #31)

Plaintiff, Bobby Green, filed this Complaint under the Federal Tort Claims Act, 28 U.S.C. § 2671, et seq. ("FTCA"), naming as Defendants the United States of America ("United States"), Medicare and United Healthcare. Plaintiff has alleged that Defendants Medicare and United Healthcare may have an interest in this litigation as subrogated parties. Defendant, United States, filed an Answer as well as a motion to partially dismiss the Complaint for lack of subject matter jurisdiction on behalf of Medicare and the Secretary of the United States Department of Health and Human Services. Doc. #28.¹ However, because United Healthcare filed no responsive pleading, Plaintiff, on January 11, 2019, filed a

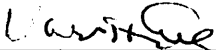
¹ The Court will rule on the motion of the United States to partially dismiss the Complaint in a separate Decision and Entry.

motion for entry of default against this Defendant, Doc. #31, pursuant to "Rules 55(A) and 12(A) of the Rules of Civil Procedure," claiming that "Defendant United Healthcare has no right of subrogation, reimbursement, indemnity, or any other monetary or equitable damages." Doc. #31, PAGEID#111. Plaintiff included an affidavit of counsel stating that the summons and complaint were personally served on United Healthcare on May 22, 2018. Doc. #31, PAGEID#115.

Pursuant to Rule 12 (a)(1)(A)(i), United Healthcare was required to file an answer within 21 days. Because no responsive pleading was filed, United Healthcare has forfeited any right it may have had for payment of Plaintiff's medical bills from the accident which is the subject of this Complaint. Accordingly, the Court will enter default judgment as required by Fed. R. Civ. P. 55(b)(2) and United Healthcare is barred from asserting any subrogation, reimbursement, indemnity, or any other monetary or equitable damages from the accident.

The Court therefore SUSTAINS Plaintiff's motion for entry of default judgment against Defendant, United Healthcare, Doc. #31.

Date: January 28, 2019



WALTER H. RICE
UNITED STATES DISTRICT JUDGE