

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION (DAYTON)**

ASHLEY MCNEAL,	:	Case No. 3:23-cv-00013
	:	
Plaintiff,	:	District Judge Thomas M. Rose
	:	Magistrate Judge Caroline H. Gentry
vs.	:	
	:	
SERENE HOME HEALTH SERVS., <i>et</i>	:	
<i>al.</i> ,	:	
	:	
Defendants.	:	

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**REPORT AND RECOMMENDATION**

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On October 16, 2023, Counsel for Defendant Serene Home Health Services, LLC (“Defendant Serene”) moved for leave to withdraw from this matter. (Doc. No. 18.) The Court granted that motion and stayed these proceedings for thirty days so as to afford Defendant Serene an opportunity to obtain new counsel. (Doc. No. 19.) That stay concluded and no attorney entered an appearance on Defendant Serene’s behalf.

Accordingly, the undersigned Magistrate Judge issued an Order directing Defendant Serene to obtain counsel within thirty days. (Doc. No. 21.) That Order cautioned: **FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER MAY RESULT IN A RECOMMENDATION THAT THE DISTRICT JUDGE ENTER DEFAULT JUDGMENT AGAINST DEFENDANT PURSUANT TO FED. R. CIV. P. 55.** (*Id.* at PageID 181 (emphasis in original).) The thirty-day deadline has now passed, and again no attorney has entered an appearance on Defendant Serene’s behalf.

As a corporate entity, Defendant Serene “may not proceed *pro se* but must be represented by licensed counsel.” *Corey Lea Inc. v. United States Dep’t of Agric.*, No. 11-05969, 2013 U.S. App. LEXIS 26305, at \*4 (6th Cir. Aug. 7, 2013) (italics added). *See also Edgar v. Westchester Parkway Consulting*, No. 2:21-CV-00533, 2023 WL 6520357, at \*1 (S.D. Ohio Sept. 11, 2023) (Jolson, M.J.) (report and recommendation adopted and default judgment entered at 2023 WL 6517541 (S.D. Ohio Oct. 5, 2023) (Watson, D.J.)). By failing to obtain counsel, Defendant Serene “has failed to plead or otherwise defend” in this case and is subject to default judgment. *See Fed. R. Civ. P. 55(a); Edgar*, 2023 WL 6520357, at \*1. Because Defendant Serene has been repeatedly ordered to secure legal representation and has failed to do so, the undersigned concludes that no less drastic remedy is sufficient and that default judgment is proper. *Edgar*, 2023 WL 6520357, at \*1.

Accordingly, the undersigned Magistrate Judge **RECOMMENDS** that default judgment be entered against Defendant Serene Home Health Services, LLC, pursuant to Rule 55 of the Federal Rules of Civil Procedure.

**IT IS SO RECOMMENDED.**

/s/ Caroline H. Gentry  
Caroline H. Gentry  
United States Magistrate Judge

### Procedure on Objections

If any party objects to this Report and Recommendation (Report), that party may, within fourteen (14) days of the date that this Report was filed, file and serve written objections to specific findings or recommendations along with supporting authority for the objection(s). Responses to objections are due ten days after objections are filed and replies by the objecting party are due seven days thereafter. A District Judge will then make a *de novo* determination of the portions of the report, findings, or recommendations to which objection is made. The District Judge may accept, reject, or modify, in whole or in part, this Court's findings or recommendations, may receive further evidence, or may recommit this matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1).

The parties are advised that a failure to object to the Report will result in a waiver of a party's right (1) to have the District Judge review the Report *de novo* and (2) to appeal a decision of the District Court adopting the Report. *See Thomas v. Arn*, 474 U.S. 140 (1985); *U.S. v. Walters*, 638 F.2d 947 (6th Cir. 1981).