

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

GATEWAY ONE LENDING &)
FINANCE, LLC,)

Plaintiff,)

vs.)

Case No. CIV-15-635-D

J&K BUSINESS VENTURES, INC.)
d/b/a LINDSEY STREET MOTORS,)
JAY WILLIAMS, WELDON)
BREWER, KELLY A. WILLIAMS,)
and SAMMIE J. WILLIAMS,)

Defendants.)

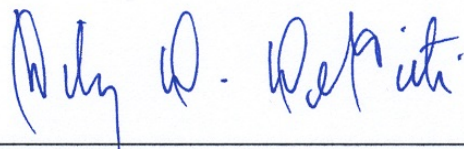
ORDER

This matter comes before the Court upon Plaintiff’s Motion for Default Judgment [Doc. No. 26] as to Defendants J&K Business Ventures, Inc. and Jay Williams, filed pursuant to Fed. R. Civ. P. 55. Upon consideration, the Court finds that Plaintiff has not shown its entitlement to the judgment sought against Defendants J&K Business Ventures, Inc. and Jay Williams. In addition to punitive damages and attorney’s fees, the Complaint [Doc. No. 1] seeks to impose *joint and several liability* in the following amounts: \$33,308.88 as against Defendants Lindsay Street Motors, Jay Williams, and Kelly A. Williams; \$34,226.81 as against Defendants Lindsay Street Motors, Jay Williams, and Weldon Brewer; and \$47,263.87 as against Defendants Lindsay Street Motors, Jay Williams, and Sammie J. Williams.

Plaintiff does not allege in its Motion a basis for an immediate entry of judgment as to fewer than all parties, *see* Fed. R. Civ. P. 54(b), and, further, a default judgment at this time is premature. The Supreme Court has long held “a judgment should not be entered against a defaulting party who is alleged to be *jointly liable*, until the matter has been adjudicated with regard to all defendants.” 10A Charles A. Wright, Arthur R. Miller, & Edward H. Cooper, *Federal Practice and Procedure* § 2690, p. 73 n.3 (3d ed. 1998) (citing *Frow v. De La Vega*, 82 U.S. (15 Wall.) 552 (1872)) (emphasis added). Defendants J&K Business Ventures, Inc. and Jay Williams are in default and foreclosed from defending on the merits. However, the other Defendants have answered and, therefore, any entry of judgment against the defaulting Defendants must await adjudication of the claims against all Defendants.

IT IS THEREFORE ORDERED that Plaintiff’s Motion is **DENIED**.

IT IS SO ORDERED this 14th day of October, 2015.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE