

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION

KANE PREE and BLAKE PREE, an
individual

Plaintiffs,

v.

Case No: 2:17-cv-42-FtM-29CM

PICKLE PRO, LLC and TODD
PREE,

Defendants.

ORDER

This matter comes before the Court upon review of Defendants' Motion to Set Aside Clerk's Entry of Default (Doc. 34) filed on October 6, 2017. On September 6, 2017, the undersigned recommended entry of Clerk's default against Defendant Pickle Pro, LLC ("Pickle Pro") because after its previous counsel withdrew from this case, Pickle Pro did not retain new counsel against the Court's Order to do so. Doc. 30. Senior United States District Judge John E. Steele adopted the Report and Recommendation and directed the Clerk to enter default against Pickle Pro. Doc. 31. Defendants seek to set aside the Clerk's default entered against Pickle Pro, seeking that Defendant Todd Pree, who is proceeding *pro se*, represent Pickle Pro. Doc. 34. Plaintiffs oppose the requested relief. Doc. 35.

The Court concedes Defendants have appeared in this matter. *See generally* the Docket. Nonetheless, as the Court noted, Local Rule 2.03(e) permits Pickle Pro to appear and be heard only through counsel admitted to practice in this Court.

M.D. Fla. R. 2.03(e); Doc. 30 at 2. Pickle Pro did not retain new counsel in violation of Local Rule 2.03(e) and the Court's Order to retain new counsel, resulting in the Clerk's entry of default against it. Docs. 29, 30, 31, 32. As of this date, Pickle Pro has not retained new counsel, despite having ample opportunity to retain one. *See generally* the Docket. Thus, the Court does not find good cause to set aside the Clerk's default. *See Compania Interamericana Export-Import, S.A. v. Compania Dominicana de Aviacion*, 88 F.3d 948, 951-52 (11th Cir. 1996) (upholding the district judge's denial of the motion to set aside entry of default because the corporate defendant failed to obtain counsel due to its alleged financial difficulty).

ACCORDINGLY, it is hereby

ORDERED:

Defendants' Motion to Set Aside Clerk's Entry of Default (Doc. 34) is **DENIED**.

DONE and **ORDERED** in Fort Myers, Florida on this 30th day of November, 2017.


CAROL MIRANDO
United States Magistrate Judge

Copies:
Counsel of record
Unrepresented parties