

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION**

ROY LOMBARD,

Plaintiff,

v.

Case No: 6:17-cv-1952-Orl-31DCI

**ANOTHER SOUTHERN HOLDING
COMPANY, LLC,**

Defendant.

ORDER

On January 30, 2019, Magistrate Judge Irick issued a Report and Recommendation (Doc. 32) recommending that Plaintiff's Renewed Motion for Default Judgment (Doc. 31) be granted as to liability and that Plaintiff be directed to file a motion pertaining to damages. Plaintiff has filed an objection (Doc. 33) contending that he is entitled to a jury trial on the issue of his damages.

Federal Rule of Civil Procedure 55(b)(2) governs the entry of default judgment by the Court. The rule provides that the Court may determine the amount of damages "preserving any federal statutory right to a jury trial. . . ." In his motion, Plaintiff cites to no authority which preserves a right to a jury trial in this situation and the Court has not found any. Accordingly, it is

ORDERED that Plaintiff's objection is **OVERRULED**. The Report and Recommendation is **CONFIRMED** and **ADOPTED** as part of this Order, and Plaintiff's Renewed Motion for Entry of Default Judgment is **GRANTED** as to liability. If Plaintiff wishes to pursue his damages claim, he must file a motion and supporting memorandum, together with a summary

of the damages he is claiming in this action by March 26, 2019. The Court will thereafter set an evidentiary hearing on this issue of damages.

DONE and ORDERED in Chambers, Orlando, Florida on March 11, 2019.




GREGORY A. PRESNELL
UNITED STATES DISTRICT JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Party