

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

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 17-cv-2389-T-24AEP

DAPHNE D. JONES, ET AL.,

Defendants.

_____/

ORDER

This comes before the Court on Plaintiff's Motion for Entry of Default (Doc. No. 26) against five defendants. To the extent that Plaintiff seeks entry of default against Defendants R. Dennis Langston, Stay Dry Roofing of Tampa Bay, and Bay Gulf Credit Union, it appears that service has been properly made (Doc. No. 16, 17, 23) and that the entry of default is warranted.

As to Defendant Florida Department of Revenue, Florida Statute § 48.111(3) provides that service must be made on the executive director of the department. The Verified Return of Service indicates that the person to be served is "Leon Biegalski, Executive Director." (Doc. No. 19). However, service was made on "Amy Cook, Administrative Assistant." (Doc. No. 19). Given that there is no explanation showing that Amy Cook is authorized to accept service on behalf of Leon Biegalski, the Court finds that Plaintiff has not shown that proper service has been made on Defendant Florida Department of Revenue.

As to Defendant CitiFinancial Services, Inc., the process server stated the following in the Verified Return of Service:

On 12/18/2017 at 4:45 PM, I served the within SUMMONS / COMPLAINT on CITI-FINANCIAL SERVICES, INC A.K.A CITI-FINANCIAL SERVICING, LLC at C/O CT CORPORATION

SYSTEM 1200 SOUTH PINE ISLAND ROAD, PLANTATION, FL33324 in the manner indicated below:

CORPORATE SERVICE: By delivering a true copy of this process to **DONNA MOCH, SR CORPORATE OPERATIONS MANAGER FOR CT CORPORATION** of the above named corporation and informing him/her of the contents.

Comments/Prev. Attempts: **PLEASE NOTE THAT CITIFINANCIAL SERVICING LLC WAS THE ENTITY SERVED. Could not find the 1st entity listed with CT Corp as the RA and active.**

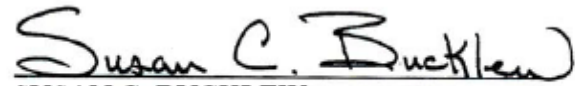
AUTHORIZED LEGAL AGENT, STATED HE/SHE IS AUTHORIZED TO ACCEPT SERVICE ON BEHALF OF DEFENDANT.

(Doc. No. 20). Thus, it appears that process server served CitiFinancial Servicing LLC (as opposed to the named Defendant CitiFinancial Services, Inc.). The process server's statement---that **"AUTHORIZED LEGAL AGENT, STATED HE/SHE IS AUTHORIZED TO ACCEPT SERVICE ON BEHALF OF DEFENDANT"**---is unclear regarding which entity (the LLC or the corporation) that the agent is authorized to accept service for. There is also no explanation regarding the process server's statement that the corporation is also known as the LLC. Thus, the Court finds that Plaintiff has not shown that proper service has been made on Defendant CitiFinancial Services, Inc.

Accordingly, it is ORDERED AND ADJUDGED that the motion for entry of default (Doc. No. 26) is **GRANTED IN PART AND DENIED IN PART:**

- (1) The motion is **GRANTED** as to Defendants R. Dennis Langston, Stay Dry Roofing of Tampa Bay, and Bay Gulf Credit Union, and the Clerk is directed to enter default against them.
- (2) The motion is **DENIED WITHOUT PREJUDICE** as to Defendant Florida Department of Revenue and Defendant CitiFinancial Services, Inc. Plaintiff is directed to show proper service on these two defendants by February 9, 2018.

DONE AND ORDERED at Tampa, Florida, this 11th day of January, 2018.

A handwritten signature in black ink that reads "Susan C. Bucklew". The signature is written in a cursive style with a large, stylized "S" and "B".

SUSAN C. BUCKLEW

United States District Judge

Copies to: Counsel of Record