

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

ROBERT GANIER, individually and on  
behalf of all others similarly situated,

Plaintiff,

v.

CASE NO. 8:17-cv-2463-T-26MAP

RAMSGATE INSURANCE, INC., *et al.*,

Defendants.

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**ORDER**

Plaintiff, through counsel, has filed a Motion for Reconsideration and Relief From Order. After careful consideration, the Court concedes that it overlooked the fact that Plaintiff obtained clerk's defaults against all four Defendants within sixty (60) days of service. However, the record indisputably reflects that Plaintiff's counsel did not seek a default final judgment within sixty (60) days of service on Defendants as the rule explicitly requires. Although the Court appreciates that Plaintiff's counsel may have required additional time to seek a default final judgment because of the complexity of the case, counsel had the option under the rule to seek more time to seek such a judgment but for some reason failed to do so. Also unexplained is why counsel waited eight (8) days to seek relief from the order of dismissal.

The Court, however, will not penalize Plaintiff for the inaction of his counsel.

**ACCORDINGLY**, the Motion for Reconsideration and Relief From Order (Dkt. 20) is **granted**. The Court's order of dismissal entered at docket 19 is vacated. The Clerk is directed to reopen this case. Plaintiff's counsel shall file a motion seeking a default final judgment pursuant to Rule 55(b) of the Federal Rules of Civil Procedure no later than **January 26, 2018**, failing which this case will again be subject to dismissal without notice and without prejudice.

**DONE AND ORDERED** at Tampa, Florida, on January 12, 2018.

*s/Richard A. Lazzara*  
**RICHARD A. LAZZARA**  
**UNITED STATES DISTRICT JUDGE**

**COPIES FURNISHED TO:**  
Counsel of Record