

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

DIALARY LOWE,

Plaintiff,

v.

CASE NO. 8:18-cv-918-T-26AEP

CONSOLIDATED GROUP OF  
TAMPA, INC.,

Defendant.

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**ORDER**

**UPON DUE AND CAREFUL CONSIDERATION** of the parties' submissions, including Plaintiff's counsel's rambling and disjointed response,<sup>1</sup> it is **ORDERED AND ADJUDGED** that Defendant's Motion to Set Aside Default and/or for Relief From Default Final Judgment (Dkt. 14) is granted. The Clerk's default entered at docket 9, as well as the Court's order entered at docket 11 granting Plaintiff a default final judgment, are set aside. The Court determines that Defendant has more than adequately demonstrated its entitlement to this relief pursuant to well-settled Eleventh Circuit precedent cited in Defendant's submission. To conclude otherwise would be a gross

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<sup>1</sup> The Court cautions Plaintiff's counsel about making future personal attacks on the conduct of Defendant's representatives and attorneys. He is reminded of the dictates of Local Rule 2.04(h) that "[a]ttorneys and litigants should conduct themselves with *civility* and in a spirit of cooperation in order to reduce unnecessary cost and delay." (Emphasis added.)

abuse of this Court's discretion. The Court finds, however, that Defendant was properly served, notwithstanding the fact that the caption on the summons reflected the Southern District of Florida instead of the Middle District of Florida. Consequently, Defendant's pleading filed at docket 18 shall stand as its answer and defenses to Plaintiff's complaint. The hearing scheduled for Thursday, June 7, 2018, is cancelled. Plaintiff's counsel's request for attorney's fees is denied.

**DONE AND ORDERED** at Tampa, Florida, on June 5, 2018.

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

**COPIES FURNISHED TO:**  
Counsel of Record