

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JOEL PRICE,

Plaintiff,

v.

Case No: 6:19-cv-214-Orl-37TBS

CITY OF COCOA, FLORIDA,

Defendant.

ORDER

This case comes before the Court without a hearing on Plaintiff's Motion for Entry of Clerk's Default Against City of Cocoa, Florida (Doc. 13). Counsel for Defendant represents that she filed her notice of appearance on February 15, 2019; that Plaintiff previously granted Defendant an extension of time to March 15, 2019; and that the parties are in ongoing settlement negotiations (Doc. 14). Then, without warning, Plaintiff's lawyer made application for the entry of default (Doc. 13). This scenario is remarkably like what occurred in Case No. 6:18-cv-1259-Orl-40TBS. In that case, Plaintiff's lawyer granted defense counsel an extension; the lawyers engaged in settlement negotiations; and then, without warning, Plaintiff's lawyer sought the entry of a default (Doc. 13 in Case No. 6:18-cv-1259-Orl-40TBS). The conduct of Plaintiff's lawyer in this case and the prior case is not fair to opposing counsel and falls below the standard for professional advocacy in this Court. Now, the motion for entry of Clerk's default is **DENIED**. Defendant has 14 days to respond to the complaint.

DONE and ORDERED in Orlando, Florida on March 29, 2019.



THOMAS B. SMITH
United States Magistrate Judge

Copies furnished to Counsel of Record