

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

**HAMMER BRAND, LLC  
d/b/a WOLF BRAND SCOOTERS,**

**Plaintiff,**

**v.**

**Case No.: 8:23-cv-1272-KKM-UAM**

**VORO INC., et al.**

**Defendants.**

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**ORDER**

Plaintiff Hammer Brand, LLC moves for entry of clerk's default against Defendant Amped Adventure LLC. (Doc. 98).

Federal Rule of Civil Procedure 55(a), which governs the entry of default, provides that "[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or *otherwise defend*, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default." (emphasis added). However, "[d]efault is to be used sparingly," as cases should be adjudicated on their merits. *Mitchell v. Brown & Williamson Tobacco Corp.*, 294 F.3d 1309, 1316 (11th Cir. 2002).

Hammer Brand, LLC moved for a clerk's default against Amped Adventure LLC on December 18, 2023. (Doc. 98). However, Amped Adventure

LLC filed a “Response to Civil Actions Summons” letter on November 11, 2023. (See Doc. 77). Although this letter is not a proper response to the complaint under the Federal Rules of Civil Procedure, entry of a clerk’s default is not appropriate. See 2007 Advisory Committee Notes to Fed. R. Civ. P. 55(a) (courts routinely reject default where party shows intent to defend even if not connected with any rule).

Accordingly, it is **ORDERED**:

(1) Hammer Brand, LLC’s motion for entry of clerk’s default against Amped Adventure LLC (Doc. 98) is **DENIED**.

(2) Corporate defendant Amped Adventure LLC is put on notice that a corporation cannot represent itself and must obtain counsel admitted to practice before this court. See *Palazzo v. Gulf Oil Corp.*, 764 F.2d 1381, 1385 (11th Cir. 1985) (“The rule is well established that a corporation is an artificial entity that . . . cannot appear pro se and must be represented by counsel.”). Corporate defendant Amped Adventure LLC must retain counsel, who must file a proper response to the complaint by **January 31, 2024**.

(3) The Clerk is **DIRECTED** to mail a copy of this order to: Gordan Smith, 17191 Bothell Way NE, Unit B102, Lake Forest Park, WA 98155.

**ORDERED** in Tampa, Florida on December 19, 2023.

A handwritten signature in black ink, reading "Amanda Arnold Sansone". The signature is written in a cursive, flowing style. The first name "Amanda" is prominent, followed by "Arnold" and "Sansone".

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AMANDA ARNOLD SANSONE  
United States Magistrate Judge