

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
ORLANDO DIVISION

JOE HAND PROMOTIONS, INC.,

Plaintiff,

v.

Case No: 6:23-cv-2373-WWB-LHP

WESTSIDE SPORTSBAR & LOUNGE,
INC. and GARY KIRBY,

Defendants

ORDER

This cause came on for consideration without oral argument on the following motion filed herein:

**MOTION: PLAINTIFF'S MOTION FOR ENTRY OF DEFAULT
(Doc. No. 11)**

FILED: April 12, 2024

THEREON it is ORDERED that the motion is DENIED without prejudice.

By the above-styled motion, Plaintiff seeks Clerk's default against both Defendants, stating that Defendants were served with summonses and the complaint on December 21, 2023, but have failed to appear or otherwise defend.

Doc. No. 11; *see also* Doc. Nos. 8-9. Upon review, however, the motion fails to comply with Local Rule 1.08 and the presiding District Judge's January 13, 2021 Standing Order. *See In re: Local Rule Amendments*, No. 6:21-mc-3-Orl-WWB, Doc. No. 1 (M.D. Fla. Jan. 13, 2021), *available at* <https://www.flmd.uscourts.gov/standing-order-judge-berger-revised-local-rules>. In addition, the motion fails to include a memorandum of legal authority in support as required by Local Rule 3.01(a).¹ Relatedly, the motion fails to adequately address, with citation to legal authority, that service of process on Defendants was proper, in particular that service on Defendant Westside Sportsbar & Lounge Inc., by serving "Betty Carter, Bartender and highest ranking employee on duty," was sufficient under governing law. *See generally United States v. Donald*, No. 3:09-cv-147-J-32HTS, 2009 WL 1810357, at *1 (M.D. Fla. June 24, 2009) (before a Clerk's default can be entered against a defendant, the Court must determine that the defendant was properly served).

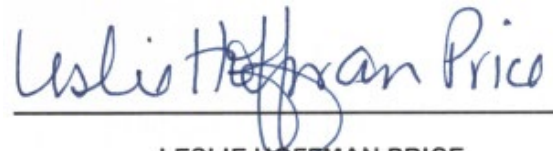
Accordingly, Plaintiff's motion (Doc. No. 11) is **DENIED without prejudice**. Plaintiff shall file a renewed motion within **fourteen (14) days** of this Order, which must include a memorandum of legal authority establishing that service of process

¹ Lone citations to Federal Rules of Civil Procedure 12 and 55 do not suffice.

on both Defendants was proper under applicable law. The renewed motion shall not include a proposed order. See Local Rule 3.01(j).

This Order does not address the April 10, 2024 Order to Show Cause (Doc. No. 10), nor Plaintiff's deadline to respond thereto, which remain outstanding.

DONE and ORDERED in Orlando, Florida on April 12, 2024.

A handwritten signature in blue ink that reads "Leslie Hoffman Price". The signature is written in a cursive style and is positioned above a horizontal line.

LESLIE HOFFMAN PRICE
UNITED STATES MAGISTRATE JUDGE

Copies furnished to:

Counsel of Record
Unrepresented Parties