

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

TEXTRON FINANCIAL CORPORATION,	§	
<i>Plaintiff,</i>	§	
	§	
vs.	§	CIVIL ACTION H-06-0644
	§	
SAN ANGELO IMPORTS, INC.,	§	
<i>et al.,</i>	§	
<i>Defendants.</i>	§	

ORDER FOR ENTRY OF DEFAULT

Plaintiff moves for entry of default (Dkt. 13) against defendants San Angelo Imports, Inc., Matthew Smith and Michael Vivaldi.

Plaintiff filed this action for breach of a Wholesale Security Agreement and Finance Plan on February 27, 2006. Plaintiff has presented evidence that San Angelo Imports was served through personal service on its registered agent, Matthew Smith, on April 4, 2006, that Matthew Smith was personally served on April 4, 2006, and that Michael Vivaldi was personally served on March 29, 2006. Returns of service for San Angelo Imports, Smith and Vivaldi were filed with the court on April 14, 2006. As of the date of this Order, San Angelo Imports, Smith, and Vivaldi have not filed answers or otherwise responded to the complaint.¹ Pursuant to Federal Rule of Civil Procedure 55(a), entry of default against San Angelo Imports, Smith and Vivaldi is warranted. It is therefore

¹ Defendant Frederick Brown has filed an answer and is not a subject of plaintiff's motion for entry of default.

ORDERED that plaintiff's motion for entry of default (Dkt. 13) is granted. The clerk shall enter a default on the docket as to defendants San Angelo Imports, Inc., Matthew Smith, and Michael Vivaldi. It is further

ORDERED that Plaintiff shall file promptly a motion for default judgment, supported by evidence of its damages, against the defaulted defendants. Plaintiff shall mail a copy of its motion for default judgment to each of the defaulted defendants at their last known addresses with notice that failure to respond within 20 days will result in entry of judgment against them.

Signed at Houston, Texas on May 26, 2006.



Stephen Wm Smith
United States Magistrate Judge