

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
MACON DIVISION**

**IRONSHORE SPECIALTY
INSURANCE COMPANY,**

Plaintiff,

v.

ALPHONZO LOGAN, et al.,

Defendants.

CIVIL ACTION NO. 5:23-cv-358 (MTT)

ORDER

Plaintiff Ironshore Specialty Insurance Company (“Ironshore”) filed this declaratory judgment action against defendants Alphonzo Logan, Dewayne Logan, Jamaar Dewayne Logan as Executor of the Estate of Mary Francis Logan, and 4 West Holdings, Inc. (“4 West”). Doc. 1. Defendants Alphonzo Logan, Dewayne Logan, and Jamaar Dewayne Logan timely filed an answer and are defending the case. Docs. 14; 15; 16; 18. Defendant 4 West, however, did not file a response to the complaint and is in default. Docs. 17; 23. Ironshore now moves for default judgment against 4 West. Doc. 25.

Generally speaking, a Court may enter a default judgment against a party for failure to plead or otherwise defend a case. See Fed. R. Civ. P. 55. However, “in cases involving multiple defendants, some of whom are not in default, courts should withhold granting a default judgment until the trial of the action on the merits against the remaining defendants.” *Auto-Owners Ins. Co. v. Bailey*, 378 F. Supp. 3d 1213, 1221 (M.D. Ga. 2019); see also *Frow v. De La Vega*, 82 U.S. 552, 554 (1872) (stating that “a

final decree on the merits against the defaulting defendant alone, pending the continuance of the cause [against the other defendants], would be incongruous and illegal"); *Gulf Coast Fans v. Midwest Electronics Importers, Inc.*, 740 F.2d 1499, 1512 (11th Cir. 1984) (stating that it is "sound policy" that "judgment should not be entered against a defaulting defendant if the other [similarly situated or jointly liable] defendant prevails on the merits"). Accordingly, Ironshore's motion for default judgment (Doc. 25) is **DENIED without prejudice**.

SO ORDERED, this 24th day of January, 2024.

S/ Marc T. Treadwell
MARC T. TREADWELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT