IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF GEORGIA ATLANTA DIVISION

:

NOELLE LECANN, KRISTEN SELIMO, and TANIA FUNDUK, on behalf of themselves and all others similarly situated,

Plaintiffs,

1 Idilitilis

v.

THE ALIERA COMPANIES, INC., formerly known as ALIERA HEALTHCARE, INC.,

Defendant.

CIVIL ACTION NO. 1:20-cv-2429-AT

<u>ORDER</u>

On June 22, 2021, the Court denied Defendant's Motion to Dismiss or Alternatively Compel Arbitration. (Opinion and Order, Doc. 49.) On July 15, 2021, the Court entered a scheduling order allowing for a seven-month discovery period to begin on that same date. (Doc. 56.) On July 20, 2021, Aliera appealed the Court's June 22 Order. (Doc. 58.) Weeks later, on August 9, Aliera filed a Motion to Stay Pending Appeal (Doc. 63) that was submitted to the Court on September 7, 2021 after full briefing and remains pending.

On October 1, 2021 Plaintiffs filed a Motion for Clerk's Entry of Default in this matter. (Doc. 67.) The Clerk entered default against Defendant on October 4,

2021. Under Fed. R. Civ. P. 12(a)(4)(A), when a Court denies a motion to dismiss,

a party must answer within 14 days after notice of the Court's action. See Beepot v.

JP Morgan Chase Nat'l Corp. Servs., Inc., 626 F. App'x 935, 937 (11th Cir. 2015).

Aliera's Answer was due on July 6, 2021. It is now October 4, 2021 - 104 days

since the Court denied Aliera's motion to dismiss or alternatively stay — and Aliera

has not answered.1

In light of the above, Aliera is **ORDERED** to **SHOW CAUSE** by **Friday**

October 8, 2021 as to why default judgment should not be entered against it. In

conjunction with its response, Aliera is **DIRECTED** to attach a proposed Answer.

Plaintiffs are **DIRECTED** to file a reply to Defendant's show cause response by

Thursday October 14, 2021.

IT IS SO ORDERED this 4th day of October 2021.

Honorable Amy Totenberg

United States District Judge

¹ The Court also notes that Aliera did not file its Motion to Stay Pending Appeal (Doc. 63) until 48 days after the Court denied its motion to dismiss or compel arbitration.