UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF FLORIDA

Progressive Express Insurance Company v. Enrique Augusto Urdaneta, Joseph Reed Ubele, and The Minato Group, LLC

Progressive Express Insurance Co. v. Urdaneta · No. 1:25-cv-21723-BLOOM/Elfenbein · Decided December 19, 2025

SUMMARY

The United States District Court for the Southern District of Florida denied Joseph Reed Ubele’s motion to set aside the clerk’s default, order on default, and default final judgment. The court held that federal law governed the default analysis, Ubele was properly served, and communications with counsel did not require vacatur. The court also found that Ubele’s failure to forward the served documents to his attorneys constituted internal communication and oversight rather than excusable neglect.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
WRITING FOR THE COURT	Beth Bloom
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	December 19, 2025
DOCKET	1:25-cv-21723-BLOOM/Elfenbein
DISPOSITION	other
PROCEDURAL POSTURE	Defendant Joseph Reed Ubele moved under Federal Rule of Civil Procedure 60(b) to set aside the clerk's default, vacate the order on default, and vacate the default final judgment entered in the plaintiff's declaratory-judgment action concerning insurance duties to defend and indemnify. The district court denied the motion.
STANDARD OF REVIEW	Relief under Federal Rule of Civil Procedure 60(b) is committed to the district court's discretion. Excusable neglect is determined equitably by considering the totality of the circumstances, while Rule 60(b)(6) relief requires extraordinary or exceptional circumstances.
PRECEDENTIAL VALUE	unpublished and nonprecedential district court order

TOPICS

default judgment · default · civil procedure · motion for reconsideration · insurance coverage

PRACTICE AREAS

civil procedure · insurance · declaratory relief

QUESTIONS PRESENTED

1. Whether Florida law governed the effect of communications between Ubele's counsel and Progressive's counsel on the federal default procedure.
2. Whether Ubele's default and resulting judgment should be set aside under Federal Rule of Civil Procedure 60(b) based on excusable neglect or extraordinary circumstances.
3. Whether Ubele established good cause to vacate the clerk's default after being personally served and failing to respond.

HOLDINGS

1. Federal law governs the default-judgment analysis in a federal court sitting in diversity jurisdiction; therefore, Ubele's reliance on Florida default procedure was misplaced.
2. The clerk's default was properly entered because Ubele was personally served with the summons and complaint, failed to respond, and was served with the motion for clerk's default in accordance with Federal Rule of Civil Procedure 55.
3. Ubele failed to establish excusable neglect or good cause warranting relief from the default or default judgment because his failure to notify his attorneys after personal service was an internal communication failure and oversight, not excusable neglect.
4. Progressive was not required to provide notice of the lawsuit to attorneys who had not entered an appearance because Ubele himself was properly served under Federal Rule of Civil Procedure 4(e).

KEY QUOTATIONS

> *"Federal law governs the default judgment analysis for a federal court sitting in diversity jurisdiction."* (Discussion § III.A)

> *"Here, like in Morrison and Gibbs, Ubele's failure to forward the Complaint to his attorneys is an error of internal communication and oversight that fails to warrant excusable neglect."* (Discussion § III.B)

FACTUAL BACKGROUND

Progressive sought a declaration that it had no duty to defend or indemnify The Minato Group or Urdaneta for damages, fees, or costs arising from Ubele's underlying state-court automobile-incident action. Ubele was personally served with the summons and complaint on May 5, 2025, but failed to respond. After the clerk entered default and the court entered a default final judgment, Ubele asserted that he relied on his attorneys and did not notify them of the federal lawsuit.

PROCEDURAL HISTORY

Progressive filed a diversity action seeking a declaration that it owed no duty to defend or indemnify The Minato Group, LLC or Enrique Augusto Urdaneta for damages arising from an underlying automobile-incident lawsuit. Ubele was personally served but failed to respond, resulting in entry of a clerk's default and, later, a default final judgment on August 15, 2025. Ubele then moved to vacate, arguing that communications between counsel rendered the default void under Florida law and, alternatively, that good cause and excusable neglect justified relief.

DISPOSITION

other

CASES CITED

- Sloss Indus. Corp. v. Eurisol, 488 F.3d 922, 934 (11th Cir. 2007)
- Aldana v. Del Monte Fresh Produce, N.A., Inc., 741 F.3d 1349, 1355 (11th Cir. 2014)
- Griffin v. Swim-Tech Corp., 722 F.2d 677, 680 (11th Cir. 1983)
- Frederick v. Kirby Tankships, Inc., 205 F.3d 1277, 1288 (11th Cir. 2000)
- Cano v. Baker, 435 F.3d 1337, 1342 (11th Cir. 2006)
- Safari Programs, Inc. v. CollectA Int'l Ltd., 686 F. App'x 737, 743-44 (11th Cir. 2017)
- In re Worldwide Web Sys., Inc., 328 F.3d 1291, 1295 (11th Cir. 2003)
- C & M Inv. Grp., Ltd. v. Campbell, 448 F. App'x 902, 905 (11th Cir. 2011)
- Gasperini v. Center for Humanities, Inc., 518 U.S. 415, 427 (1996)
- Glennon v. Rosenblum, 325 F. Supp. 3d 1255, 1261 (N.D. Ala. 2018)
- Blake v. Enhanced Recovery Co., LLC, No. 3:10-cv-1178-J-37JBT, 2011 WL 3625594, at *1 (M.D. Fla. Aug. 17, 2011)
- Walter v. Blue Cross & Blue Shield United of Wis., 181 F.3d 1198, 1201 (11th Cir. 1999)
- Sream, Inc. v. Ecstasy Fashion II, Inc., No. 18-cv-61216, 2018 WL 10374693, at *1 (S.D. Fla. Sept. 19, 2018)
- Ins. Co. of N. Am. v. Morrison, 154 F.R.D. 278, 280 (M.D. Fla. 1994)
- Tarmac Florida Inc. v. Employers Ins. of Wausau, 706 F. Supp. 40 (S.D. Fla. 1989)
- Gibbs v. Air Canada, 810 F.2d 1529, 1537 (11th Cir. 1987)
- Davis v. Safeway Stores, Inc., 532 F.2d 489, 490 (5th Cir. 1976)
- Fla. Physician's Ins. Co. v. Ehlers, 8 F.3d 780, 784 (11th Cir. 1993)
