

UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF
FLORIDA, JACKSONVILLE DIVISION

PanAmerica Trade, Inc. v. Food Service Gaskets, LLC, et al.

PanAmerica Trade · No. 3:25-cv-473-MMH-SJH · Decided February 5, 2026

SUMMARY

The United States District Court for the Middle District of Florida denied without prejudice Plaintiff PanAmerica Trade, Inc.’s motion for clerk’s default against Baliwag LLC. The court held that although Plaintiff demonstrated due diligence sufficient to invoke Florida’s substituted-service provisions, the motion did not establish strict compliance with the statutory notice requirements for service through the Florida Secretary of State. The court granted Plaintiff one final opportunity to perfect service or seek renewed relief by February 25, 2026.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Jacksonville Division
WRITING FOR THE COURT	Samuel J. Horovitz
JURISDICTION	United States District Court for the Middle District of Florida
DECIDED	February 5, 2026
DOCKET	3:25-cv-473-MMH-SJH
DISPOSITION	dismissed
PROCEDURAL POSTURE	Plaintiff moved for the clerk's default against Baliwag LLC after attempting to serve it through substituted service under Florida law.
STANDARD OF REVIEW	The court required strict compliance with the statutory requirements for substituted service of process.
PRECEDENTIAL VALUE	Unknown

TOPICS

- service of process
- default judgment
- civil procedure
- commercial litigation

PRACTICE AREAS

- Civil procedure
- Service of process
- Trademark litigation

QUESTIONS PRESENTED

1. Whether Plaintiff established the due diligence and statutory prerequisites for substituted service on Baliwag LLC through the Florida Secretary of State.
2. Whether Plaintiff strictly complied with the notice, proof-of-service, and affidavit requirements of Florida Statutes section 48.161(3)–(4) so that service on Baliwag was properly perfected.
3. Whether clerk's default should be entered against Baliwag LLC.

HOLDINGS

1. Substituted service under section 48.062(4) was authorized because Plaintiff exercised appropriate due diligence, could not complete service under section 48.062(2), and Boys was both the only person listed publicly on Baliwag's latest annual report and the registered agent on whom service had been attempted.
2. Plaintiff did not establish proper substituted service because the Motion and related papers did not demonstrate strict compliance with the notice and affidavit requirements of Florida Statutes section 48.161(3)–(4).
3. The motion for clerk's default was denied without prejudice because Plaintiff had not demonstrated that service on Baliwag was properly perfected.

KEY QUOTATIONS

“Plaintiff has not demonstrated the requisite strict compliance with the statutory requirements for substitute service.”

“Accordingly, the Motion (Doc. 72) is denied without prejudice, and Plaintiff will be given one final opportunity to properly perfect service on Baliwag.”

FACTUAL BACKGROUND

Baliwag LLC was a business entity whose registered agent was Christopher Boys. Boys was also the only person publicly listed on Baliwag's latest amended annual report. Plaintiff attempted service on Boys as registered agent, but the court found those efforts insufficient. After determining that Plaintiff had exercised due diligence and that Florida Statutes section 48.062(4) permitted resort to substituted service, the court found that Plaintiff's papers did not show compliance with the additional notice and affidavit requirements of section 48.161(3)–(4).

PROCEDURAL HISTORY

The court had previously found Plaintiff's efforts to serve Baliwag insufficient and issued related rulings and directives. After Plaintiff's latest service efforts, Plaintiff moved for clerk's default. The court denied the motion without prejudice because Plaintiff had not demonstrated strict compliance with the notice and affidavit requirements governing substituted service, while allowing one final opportunity to perfect service or seek renewed relief.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

No remand was ordered. On or before February 25, 2026, Plaintiff was directed to file proof of proper service of the summons and Amended Complaint on Baliwag and/or seek renewed relief, if appropriate, with respect to Baliwag.

CASES CITED

- Greenridge v. Fla. Dep't of Revenue, No. 8:25-cv-927-KKM-TGW, 2025 WL 1615446, at *1 (M.D. Fla. June 6, 2025)
- HSBC Bank USA, Nat. Ass'n v. Ctr. Ct. Ridge Condo. Ass'n, Inc., 147 So. 3d 593, 594 (Fla. 5th DCA 2014)

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