

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

John Doe v. Application Processing Service, Inc.

Doe · No. 8:25-cv-02758-WFJ-NHA · Decided December 19, 2025

SUMMARY

The United States District Court for the Middle District of Florida grants Plaintiff John Doe’s motion for entry of clerk’s default against Application Processing Service, Inc. The court finds that service was properly effected under Federal Rule of Civil Procedure 4 and Florida law, and that Defendant failed to respond by the court-extended deadline.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Tampa Division
WRITING FOR THE COURT	Mola Hirt Adams
JURISDICTION	United States District Court for the Middle District of Florida, Tampa Division
DECIDED	December 19, 2025
DOCKET	8:25-cv-02758-WFJ-NHA
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff moved under Federal Rule of Civil Procedure 55(a) for entry of the Clerk's default after Defendant failed to answer or otherwise respond by the court-extended deadline.
STANDARD OF REVIEW	The court determined whether the requirements for entry of default under Federal Rule of Civil Procedure 55(a) were satisfied, including valid service of process and failure to plead or otherwise defend.
PRECEDENTIAL VALUE	Unknown; district court order with no reporter citation
PARTIES	John Doe v. Application Processing Service, Inc.

TOPICS

- default
- service of process
- credit reporting
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Defendant was properly served under Federal Rule of Civil Procedure 4(h) and applicable Florida law.
2. Whether Plaintiff was entitled to entry of the Clerk's default under Federal Rule of Civil Procedure 55(a) after Defendant failed to respond by the extended deadline.

HOLDINGS

1. Service on Defendant was valid because the process server attempted service on the corporation's registered agent at the registered office during the statutorily required hours, found the registered agent absent, and served an employee of the registered agent as authorized by Florida Statutes section 48.091(4)(b).
2. Plaintiff was entitled to entry of the Clerk's default because Defendant was properly served and failed to plead or otherwise defend by the court-extended deadline.

KEY QUOTATIONS

“When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party’s default.” (Analysis, section II)

“Plaintiff is thus entitled to the Clerk’s entry of default against Defendant.” (Analysis, section III)

FACTUAL BACKGROUND

John Doe sued Application Processing Service, Inc. for alleged violations of the Fair Credit Reporting Act. A licensed process server attempted to serve the corporation's registered agent, Joel Wavelet, at the registered office at 11:55 a.m. on Friday, October 17, 2025, but Wavelet was unavailable. The process server instead served Richard Guastella, an employee of the registered agent, as permitted by Florida law. Defendant failed to answer or otherwise respond by the court-extended December 1, 2025 deadline.

PROCEDURAL HISTORY

Plaintiff filed this Fair Credit Reporting Act action on October 8, 2025, and filed a return of service on Defendant. At Plaintiff's request, the court extended Defendant's response deadline from November 17 to December 1, 2025. Defendant did not respond by the extended deadline, and Plaintiff moved for entry of default on December 18, 2025. The court granted the motion and directed the Clerk to enter default.

DISPOSITION

other

CASES CITED

- Murphy Bros. v. Michetti Pipe Stringing, Inc., 526 U.S. 344, 350 (1999)
- In re Worldwide Web Sys., Inc., 328 F.3d 1291, 1299 (11th Cir. 2003)

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