

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

Permanent General Assurance Corporation v. Alexander Monell;
ChampionnLifestyle Inc.; and House of Wolves Motors, LLC

Permanent General Assurance Corp. v. Monell · No. 6:24-cv-1627-CEM-RMN · Decided November 21, 2025

SUMMARY

The United States District Court for the Middle District of Florida denied without prejudice Permanent General Assurance Corporation’s motion for default judgment. The court held that the plaintiff had not shown service of the amended complaint on Alexander Monell, against whom the amended complaint asserted a new declaratory-judgment claim, and directed the plaintiff to file proof of service or pursue a clerk’s default.

CASE DETAILS

COURT	United States District Court for the Middle District of Florida, Orlando Division
WRITING FOR THE COURT	Robert M. Norway
JURISDICTION	United States District Court for the Middle District of Florida, Orlando Division
DECIDED	November 21, 2025
DOCKET	6:24-cv-1627-CEM-RMN
DISPOSITION	denied without prejudice
PROCEDURAL POSTURE	Plaintiff moved for default judgment under Federal Rule of Civil Procedure 55(b)(2) against defendants Alexander Monell and ChampionnLifestyle Inc. after those defendants failed to defend. The court denied the motion without prejudice because the amended complaint asserted a new claim against Monell and the record did not show that Monell had been served with the amended complaint.
STANDARD OF REVIEW	A default judgment is not automatic upon a party's failure to respond; the pleadings must provide a sufficient basis for judgment, and service requirements must be satisfied before judgment may be entered.
PRECEDENTIAL VALUE	unpublished district court order; nonprecedential

PARTIES

Permanent General Assurance Corporation v. Alexander Monell,
ChampionnLifestyle Inc., House of Wolves Motors, LLC

TOPICS

default judgment

service of process

default

declaratory judgment

insurance

PRACTICE AREAS

civil procedure

insurance

declaratory judgment

commercial litigation

remedies

QUESTIONS PRESENTED

1. Whether Plaintiff was entitled to default judgment on the declaratory-judgment claims against Monell and ChampionnLifestyle Inc.
2. Whether service of the amended complaint on Monell was required before default judgment could be entered when the amended complaint asserted a new and materially different claim against him.

HOLDINGS

1. Because the amended complaint asserted a new claim for relief against Monell that was materially different from the claim in the original complaint, Plaintiff was required to serve the amended complaint on Monell under Federal Rule of Civil Procedure 5(a)(2) and Rule 4 before obtaining default judgment on that claim.
2. The motion for default judgment was denied without prejudice because the record did not establish proper service of the amended complaint on Monell.

KEY QUOTATIONS

“A “defendant’s default does not in itself warrant the court in entering a default judgement,” however, because a defaulting “defendant is not held to admit facts that are not well-pleaded or to admit conclusions of the law” and “there must be a sufficient basis in the pleadings for the judgment entered.”” (Section II)

“If a subsequent pleading “asserts a new claim for relief” against a party in default, then the pleading must be served on that party pursuant to Rule 4.” (Section III)

FACTUAL BACKGROUND

Permanent General Assurance Corporation issued an automobile liability policy to Alexander Monell, who allegedly made material misrepresentations when applying for the policy. Monell later rented a Lamborghini from House of Wolves Motors, LLC; the vehicle was damaged by gunfire during a robbery, and claims were submitted to the insurer. About a month later, Monell rented a Corvette from ChampionnLifestyle Inc., returned it damaged, and submitted another claim. The amended complaint added declaratory-judgment allegations concerning both vehicles, but the record did not show that Monell was served with the amended complaint.

PROCEDURAL HISTORY

Permanent General Assurance Corporation filed an action seeking declaratory relief and rescission against Monell and House of Wolves Motors, LLC. After obtaining leave to amend, Plaintiff added claims against Monell and ChampionnLifestyle Inc., including a materially different declaratory-judgment claim concerning a second vehicle. House of Wolves Motors appeared and later resolved its dispute with Plaintiff; Monell and ChampionnLifestyle did not defend. The court denied Plaintiff's motion for default judgment without prejudice and directed Plaintiff to serve Monell with the amended complaint under Rule 4 and file proof of service.

DISPOSITION

denied without prejudice

REMAND INSTRUCTIONS

No remand. Plaintiff was authorized to serve Monell with the amended complaint, if it had not already done so, and was ordered to file a return of service and, if Monell did not appear, move for entry of a Clerk's Default under Local Rule 1.10(b).

CASES CITED

- 402 F.3d 1267, 1278 (11th Cir. 2005)
- 515 F.2d 1200, 1206 (5th Cir. 1975)
- 661 F.2d 1206, 1209 (11th Cir. 1981) (en banc)
- Amarelis v. Notter Sch. of Culinary Arts, LLC, 2014 WL 5454387, at *3 (M.D. Fla. Oct. 27, 2014)
- Portevint v. Dynamic Recovery Servs., Inc., 2011 WL 201493, at *1 (M.D. Fla. Jan. 20, 2011)

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