

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA, MIAMI DIVISION

Universa Investments L.P. v. Alexander Borodich, an individual, and
Universa Corporation, Ltd.

Universa Investments · No. 1:18-cv-24286-GAYLES/SHAW-WILDER · Decided March 23, 2026

SUMMARY

The United States District Court for the Southern District of Florida adopted a magistrate judge’s report and recommendation granting Defendants’ motion to vacate under Federal Rule of Civil Procedure 60(b)(4). The court vacated the clerk’s default and final default judgment and ordered Plaintiff to properly serve Defendants within 90 days.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida, Miami Division
WRITING FOR THE COURT	Darrin P. Gayles
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	March 23, 2026
DOCKET	1:18-cv-24286-GAYLES/SHAW-WILDER
DISPOSITION	vacated
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's Report and Recommendation concerning Defendants' motion to vacate under Federal Rule of Civil Procedure 60(b)(4), conducted de novo review of the specifically objected-to portions, adopted the Report in full, granted the motion, and vacated the Clerk's Default and Final Default Judgment.
STANDARD OF REVIEW	Specific objections to a magistrate judge's report and recommendation are reviewed de novo; portions to which no specific objection is made are reviewed for clear error.
PRECEDENTIAL VALUE	Unpublished federal district court order; precedential status is not established in the source.

TOPICS

default judgment

default

service of process

civil procedure

commercial litigation

PRACTICE AREAS

civil procedure

commercial litigation

trademark

QUESTIONS PRESENTED

1. Whether the district court should adopt the magistrate judge's recommendation concerning Defendants' Rule 60(b)(4) motion.
2. Whether the Clerk's Default and Final Default Judgment should be vacated.
3. What service-related action Plaintiff must take after the default and judgment are vacated.

HOLDINGS

1. Specific objections to a magistrate judge's report and recommendation receive de novo review, while unobjected-to portions are reviewed for clear error.
2. The Rule 60(b)(4) motion is granted, and the Clerk's Default and Final Default Judgment are vacated.
3. Plaintiff must properly effectuate service on Defendants within ninety days of the order.

KEY QUOTATIONS

“The Court has conducted a de novo review of the record, including the Report, the Motion, and Plaintiff's Objection, and agrees with Judge Shaw-Wilder’s well-reasoned analysis and conclusion that the Motion should be granted.”

FACTUAL BACKGROUND

Plaintiff Universa Investments L.P. obtained a Clerk's Default and a Final Default Judgment against Defendants Alexander Borodich and Universa Corporation, Ltd. Defendants sought relief from those orders under Federal Rule of Civil Procedure 60(b)(4). After the magistrate judge recommended granting the motion, the district court adopted that recommendation, vacated the default and judgment, and directed Plaintiff to properly serve Defendants within ninety days.

PROCEDURAL HISTORY

Defendants moved to vacate the Clerk's Default and Final Default Judgment under Rule 60(b)(4). The magistrate judge recommended granting the motion, Plaintiff objected, and the district court conducted de novo review before adopting the recommendation and granting relief.

DISPOSITION

vacated

REMAND INSTRUCTIONS

No remand was ordered. Plaintiff shall properly effectuate service on Defendants within ninety days of the order.

CASES CITED

- United States v. Schultz, 565 F.3d 1353, 1360 (11th Cir. 2009)
- Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C., 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001)
- Macort v. Prem, Inc., 208 F. App'x 781, 784 (11th Cir. 2006)

OPINION

Borodich

PER CURIAM.

UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF FLORIDA

MIAMI DIVISION

CASE NO.: 1:18-cv-24286-GAYLES/SHAW-WILDER

UNIVERSA INVESTMENTS L.P.,

Plaintiff, v. ALEXANDER BORODICH, an individual,

and UNIVERSA CORPORATION, LTD.,

a foreign company, Defendants. _____/

ORDER

THIS CAUSE comes before the Court on the Report and Recommendation of Magistrate Detra Shaw-Wilder (the “Report”) [ECF No. 42] regarding Defendants Alexander Borodich and Universa Corporation Ltd.’s (collectively, “Defendants”) Motion to Vacate Under Federal Rule of Civil Procedure 60(b)(4) (“Motion”) [ECF No. 35]. On July 24, 2025, Plaintiff Universa Investments L.P. (“Plaintiff”) filed a Response in Opposition to Defendants’ Motion. [ECF No. 39]. On February 18, 2026, Judge Shaw-Wilder issued her Report recommending that the Motion be granted. [ECF No. 42]. On February 25, 2026, Plaintiff timely objected to the Report (“Objection”). [ECF No. 45]. A district court may accept, reject, or modify a magistrate judge’s report and recommendation. 28 U.S.C. § 636(b)(1)(C). The objected portions of the report and recommendation are accorded de novo review if those objections “pinpoint the specific findings that the party disagrees with.” United States v. Schultz, 565 F.3d 1353, 1360 (11th Cir. 2009); see also Fed. R. Civ. P. 72(b)(3). Any portions of the report and recommendation to which no specific objection is made are reviewed only for clear error. Liberty Am. Ins. Grp., Inc. v. WestPoint Underwriters, L.L.C., 199 F. Supp. 2d 1271, 1276 (M.D. Fla. 2001); accord Macort v. Prem, Inc., 208 F. App’x 781, 784 (11th Cir. 2006). The Court has conducted a de novo review of the record, including the Report, the Motion, and Plaintiff’s Objection, and agrees with Judge Shaw-Wilder’s well-reasoned analysis and conclusion that the Motion should be granted.

CONCLUSION

Therefore, it is ORDERED AND ADJUDGED as follows:

(1) Magistrate Judge Shaw-Wilder's Report and Recommendation, [ECF No. 42], is ADOPTED in full;

(2) Defendants' Motion, [ECF No. 35], is GRANTED;

(3) The Clerk's Default [ECF No. 13] and the Final Default Judgment [ECF Nos. 19, 20] are hereby vacated.

(4) Plaintiff shall properly effectuate service on the Defendants within ninety (90) days of this Order. DONE AND ORDERED in Chambers at Miami, Florida, this 20th day of March 2026.

DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE