

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
FLORIDA

**Kasandra Santiesteban, et al. v. A-1 Entertainment Miami, LLC., et
al.**

Santiesteban · No. 1:24-23299-CIV-MARTINEZ/SANCHEZ · Decided February 12, 2026

SUMMARY

The magistrate judge recommends dismissing Plaintiffs’ amended complaint with leave to amend because it constitutes a shotgun pleading and fails to state claims against certain defendants. The recommendation also addresses denial without prejudice of Plaintiffs’ motion for default final judgment and warns that failure to object within fourteen days may waive de novo and appellate review.

OPINION

UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF FLORIDA CASE NO. 1:24-23299-CIV-MARTINEZ/SANCHEZ KASANDRA SANTIESTEBAN, et al., Plaintiffs, v. A-1 ENTERTAINMENT MIAMI, LLC., et al., Defendants.

_____/ REPORT AND RECOMMENDATION This matter came before the undersigned on Plaintiffs’ Motion for Default Final Judgment against Defendants XO Cabaret LLC, UB Direct LLC, and Michael Ricks, ECF No. 31, following a referral from the Court to “take all necessary and proper action as required by law” with respect to “[a]ll matters relating to” that motion, ECF No. 32.

On this date, the undersigned denied the Plaintiffs’ Motion for Default Final Judgment because it is a shotgun pleading, because it fails to state claims against Defendants XO Cabaret LLC, UB Direct LLC, and Michael Ricks, and because entry of a default judgment could result in inconsistent judgments given that other defendants remain parties to the case and Plaintiffs are seeking to hold all defendants jointly liable.

See ECF No. 33 (Order Denying Plaintiffs’ Motion for Default Final Judgment Without Prejudice). The circumstances addressed in that Order, particularly that the amended complaint is a shotgun pleading, also require the dismissal or striking of Plaintiffs’ amended complaint, even though no party has moved to strike or dismiss that pleading. See, e.g., *Jackson v. Bank of America, N.A.*, 898 F.3d 1348, 1357-58 (11th Cir.

2018). However, because Plaintiffs have not been given an opportunity to address the deficiencies in their amended complaint and because it is not apparent that Plaintiffs will be unable to remedy

the deficiencies in their amended complaint, Plaintiffs should be given an opportunity to amend their amended complaint and remedy the deficiencies that have been identified.

See, e.g., *Vibe Micro, Inc. v. Shabanets*, 878 F.3d 1291, 1296 (11th Cir. 2018) (“When a litigant files a shotgun pleading, is represented by counsel, and fails to request leave to amend, a district court must sua sponte give him one chance to replead before dismissing his case with prejudice on non-merits shotgun pleading grounds.”).

Accordingly, after careful consideration of Plaintiffs’ filings, the record, and the applicable law, and for the reasons discussed above and in the Order Denying Plaintiffs’ Motion for Default Final Judgment Without Prejudice (ECF No. 33), the undersigned RESPECTFULLY RECOMMENDS that Plaintiffs’ Complaint be DISMISSED WITH LEAVE TO AMEND, allowing Plaintiffs to address the deficiencies that have been identified in the Order Denying Plaintiffs’ Motion for Default Final Judgment Without Prejudice (ECF No. 33).

Within fourteen (14) days from the date of receipt of this Report and Recommendation, the parties shall serve and file written objections, if any, to this Report and Recommendation with the Honorable Jose E. Martinez, United States District Judge. Failing to file timely objections will bar a de novo determination by the District Judge of any issue addressed in the Report and Recommendation, will constitute a waiver of a party’s “right to challenge on appeal the district court’s order based on unobjected-to factual and legal conclusions,” and will only allow appellate review of the district court order “for plain error if necessary in the interests of justice.” 11th Cir.

R. 3-1; 28 U.S.C. § 636(b)(1); *Thomas vy. Arn*, 474 U.S. 140 (1985); *Henley v. Johnson*, 885 F.2d 790, 794 (11th Cir. 1989); see also *Harrigan v. Metro-Dade Police Dept Station #4*, 977 F.3d 1185, 1191-92 (11th Cir. 2020). RESPECTFULLY RECOMMENDED in Chambers in Miami, Florida, this 12th day of February 2026. ok. / daca? Aided — UNITED STATES MAGISTRATE JUDGE
ce: Hon. Jose E. Martinez Counsel of Record