

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.

CASE DETAILS

COURT	United States District Court for the Southern District of Florida
JURISDICTION	United States District Court for the Southern District of Florida
DECIDED	February 12, 2026
DOCKET	1:24-23299-CIV-MARTINEZ/SANCHEZ
DISPOSITION	dismissed
PROCEDURAL POSTURE	Report and recommendation addressing Plaintiffs' motion for default final judgment and sua sponte recommending dismissal of the amended complaint with leave to amend.
STANDARD OF REVIEW	A district judge reviews timely objections to a magistrate judge's report and recommendation de novo under 28 U.S.C. § 636(b)(1); unobjected-to factual and legal conclusions are subject to limited review for plain error on appeal.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

- default judgment
- pleadings
- civil procedure

PRACTICE AREAS

- civil procedure
- employment law

QUESTIONS PRESENTED

1. Whether the amended complaint should be dismissed or stricken as an impermissible shotgun pleading.
2. Whether Plaintiffs should receive an opportunity to amend before dismissal.
3. Whether default final judgment should be entered against fewer than all defendants when Plaintiffs seek joint liability and other defendants remain in the case.

HOLDINGS

1. Default final judgment should be denied without prejudice because the amended complaint is a shotgun pleading, fails to state claims against the specified defendants, and could result in inconsistent judgments while other defendants remain parties and Plaintiffs seek to hold all defendants jointly liable.
2. The complaint should be dismissed with leave to amend because Plaintiffs had not previously been given an opportunity to cure the identified deficiencies and it was not apparent that amendment would be futile.

KEY QUOTATIONS

“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.” (878 F.3d at 1296)

“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).” (Report and Recommendation)

FACTUAL BACKGROUND

Plaintiffs filed an amended complaint against multiple defendants, including XO Cabaret LLC, UB Direct LLC, and Michael Ricks. Plaintiffs sought default final judgment against those three defendants while continuing to seek joint liability against all defendants. The magistrate judge determined that the amended complaint was a shotgun pleading, failed to state claims against the defaulting defendants, and created a risk of inconsistent judgments.

PROCEDURAL HISTORY

Plaintiffs moved for default final judgment against XO Cabaret LLC, UB Direct LLC, and Michael Ricks. The magistrate judge denied that motion without prejudice because the amended complaint was a shotgun pleading, failed to state claims against those defendants, and could produce inconsistent judgments while other defendants remained in the case. The matter was referred to the magistrate judge, who recommended dismissal of the complaint with leave to amend and directed the parties to file objections within fourteen days.

DISPOSITION

dismissed

REMAND INSTRUCTIONS

Plaintiffs should be allowed to amend their amended complaint to cure the deficiencies identified in the order denying default final judgment and in the report and recommendation.

CASES CITED

- Jackson v. Bank of America, N.A., 898 F.3d 1348, 1357-58 (11th Cir. 2018)
- Vibe Micro, Inc. v. Shabanets, 878 F.3d 1291, 1296 (11th Cir. 2018)
- Thomas v. Arn, 474 U.S. 140 (1985)
- Henley v. Johnson, 885 F.2d 790, 794 (11th Cir. 1989)
- Harrigan v. Metro-Dade Police Dept Station #4, 977 F.3d 1185, 1191-92 (11th Cir. 2020)

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