



IT IS ORDERED as set forth below:

Date: August 27, 2014

Mary Grace Diehl

Mary Grace Diehl
U.S. Bankruptcy Court Judge

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION

In re:	:	CASE NUMBER
	:	
CITRUS TOWER BOULEVARD	:	
IMAGING CENTER, LLC,	:	11-70284-MGD
	:	
Debtor.	:	CHAPTER 11
	:	
CITRUS TOWER BOULEVARD	:	
IMAGING CENTER, LLC,	:	ADVERSARY PROCEEDING
	:	NO. 14-05142
Plaintiff,	:	
v.	:	
FRANKLIN B. TRELL, CYNTHIA VINSON,	:	
MEDICAL DEVELOPMENT GROUP, LLC,	:	
And THE TRELL FAMILY LIMITED	:	
PARTNERSHIP,	:	
	:	
Defendants.	:	

**ORDER DENYING PLAINTIFF'S MOTION FOR DEFAULT JUDGMENT AND
ALLOWING DEFENDANT MEDICAL DEVELOPMENT GROUP, LLC LEAVE TO
FILE AN ANSWER**

Before the Court is Plaintiff's Motion for Default Judgment as to Defendant Medical Development Group, LLC. (Docket No. 11). Plaintiff seeks a judgment against Medical Development Group, LLC as to liability regarding Counts I through XV and XVII of the Complaint. The basis for Plaintiff's request for a default judgment as to Medical Development Group, LLC is its technical default.

In this action, Defendant Cynthia Vinson filed an answer, *pro se*, on behalf of herself and purportedly on behalf of Medical Development Group, LLC. (Docket No. 8). Plaintiff argues that Medical Development Group, LLC is in technical default because a corporation cannot represent itself and Ms. Vinson, a non-attorney, cannot represent the corporation. Plaintiff is correct that Ms. Vinson cannot answer or otherwise act on behalf of Medical Development Group, LLC because that would constitute the unauthorized practice of law. Yet, the appropriate remedy in this situation is not to enter a judgment against Medical Development Group, LLC. Given the general policy and preference for judgments to be determined on the merits, Medical Development Group, LLC will be given leave to file a proper answer. *Centurion Indus., Inc. v. Titan Architectural Prods., Inc.*, 1:06CV1362JOF, 2007 WL 781307, *1 (N.D. Ga. Mar. 8, 2007). Accordingly, it is

ORDERED that Plaintiff's Motion for Default Judgment is **DENIED** without prejudice. Plaintiff may refile such motion if Medical Development Group, LLC fails to timely file a proper answer.

It is **FURTHER ORDERED** that Medical Development Group, LLC file and serve an answer within 21 days of entry of this Order, which should be signed by representing counsel.

Upon the filing of a timely and proper answer by Medical Development Group, LLC, the entry of default as to Medical Development Group, LLC will be set aside for good cause shown.

The Clerk is directed to mail a copy of this Order to the parties listed below.

END OF DOCUMENT

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