

IN THE UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
TAMPA DIVISION

ABC IP, LLC, a Delaware limited
liability company

CASE NO. 8:26-cv-1627

and

RARE BREED TRIGGERS, INC.,
a Texas corporation,

Plaintiffs,

v.

DUNEDIN HOLDING, LLC, a Florida
limited liability company, d/b/a
Mid-Tier Defense

Defendants.

**PLAINTIFFS' MOTION FOR CLERK'S ENTRY OF DEFAULT AS TO
DEFENDANT AND RESPONSE TO ORDER TO SHOW CAUSE (DKT. 22)**

Plaintiffs ABC IP, LLC and Rare Breed Triggers, Inc. (collectively, "Plaintiffs"), by and through undersigned counsel, and pursuant to Fed. R. Civ. P. 55(a) and Local Rule 1.10(b), hereby respond to the Court's order to show cause (Dkt. 22) and move for entry of a Default by the Clerk against Dunedin Holdings, LLC ("Defendant"), for failure to file and serve any response to Plaintiffs' Complaint. Plaintiffs state as follows:

1. Plaintiffs filed their Complaint against Defendant in this action on June 1, 2026. *See* Dkt. 1.

2. The Complaint was properly served upon Defendant on June 23, 2026. *See* Ex. A. As such, Defendant's deadline to answer or otherwise respond to the Complaint was July 14, 2026. *See* Fed. R. Civ. P. 12(a)(1)(A)(i).

3. Defendant has failed to serve any papers in response to Plaintiffs' Complaint, nor has it sought additional time within which to respond or otherwise appear in this action.

4. On July 20, 2026, the Court issued an order directing Plaintiffs to show cause as to why this case should not be dismissed for failure to prosecute. *See* Dkt. 22. The local rules for the Middle District of Florida require a party to apply for default "[w]ithin twenty-eight days after a party's failure to plead or otherwise defend." L.R. 1.10(b). Plaintiffs bring the present motion seven days after Defendant's July 14, 2026, deadline to answer or otherwise respond to the Complaint. Plaintiffs further note that this case is subject to a Conditional Transfer Order ("CTO") issued by the Judicial Panel on Multidistrict Litigation on July 14, 2026. *See* Ex. B. Defendant has not moved to vacate or otherwise challenged the CTO, and Plaintiffs therefore expect this case to be transferred to the Eastern District of Texas.

5. In light of Defendant's failure to appear, plead or otherwise defend, Fed. R. Civ. P. 55(a) and Local Rule 1.10(b) require that the Clerk enter default.

WHEREFORE, Plaintiffs respectfully request that the Clerk enter default against Defendant Dunedin Holdings, LLC.

Dated: July 21, 2026

Respectfully submitted,

s/ Matthew A. Colvin

Kevin C. Maxwell (FL Bar 0604976)

Office of Kevin C. Maxwell

255 Primera Blvd., Suite 160

Lake Mary, FL 32746-2168

Email: kevin@kmaxwellesq.com

Tel: (407) 467-4960

Glenn D. Bellamy (Ohio Bar No. 0070321)

WOOD HERRON & EVANS, LLP

600 Vine Street, Suite 2800

Cincinnati, Ohio 45202

E-mail: gbellamy@whe-law.com

Tel: (513) 707-0243

Fax: (513) 241-6234

Matthew A. Colvin (Pro Hac Vice)

Texas Bar No. 24087331

Carl E. Bruce (Pro Hac Vice)

Texas Bar No. 24036278

FISH & RICHARDSON P.C.

1717 Main Street, Suite 5000

Dallas, TX 75201

E-mail: colvin@fr.com

bruce@fr.com

Tel: (214) 747-5070

Fax: (214) 747-2091

Benjamin J. Christoff

DC Bar No. 1025635

FISH & RICHARDSON P.C.

1000 Maine Avenue SW, Suite 1000

Washington, DC 20024

E-mail: christoff@fr.com

Tel: (202) 783-5070

Fax: (202) 783-2331

*Attorneys for Plaintiffs ABC IP, LLC and
Rare Breed Triggers, Inc.*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on July 21, 2026, via the Court's CM/ECF system.

I further certify that, to Plaintiffs' knowledge, Defendant is not represented by counsel and has no attorney of record. Accordingly, service was also effected on Defendant by U.S. Mail to the following address:

Dunedin Holding, LLC
d/b/a Mid-Tier Defense
7402 N. 56th St., Suite 355
Tampa, Florida 33617

Respectfully submitted,

s/ Matthew A. Colvin

Matthew A. Colvin

CERTIFICATE OF CONFERENCE

Pursuant to Local Rules 3.01(g), counsel for Plaintiff certifies that a conference with Defendant concerning the relief requested in this motion was not possible because Defendant has not yet appeared in this action and no counsel has appeared on Defendant's behalf.

s/ Matthew A. Colvin

Matthew A. Colvin