

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO.: 1:25-cv-21899-GAYLES

HONG KONG LEYUZHEN TECHNOLOGY
CO. LIMITED,

Plaintiff,

v.

THE INDIVIDUALS, CORPORATIONS,
LIMITED LIABILITY COMPANIES,
PARTNERSHIPS AND UNINCORPORATED
ASSOCIATIONS IDENTIFIED IN
SCHEDULE "A" HERETO,

Defendants.

ORDER GRANTING MOTION FOR FINAL DEFAULT JUDGMENT

THIS CAUSE is before the Court on Plaintiff's Motion for Entry of Final Default Judgment (the "Default Judgment Motion") [ECF No. 34]. For the following reasons, the Motion is **GRANTED**.

"Rule 55 of the Federal Rules of Civil Procedure establishes a two-step process for obtaining a default judgment. First, when a defendant fails to plead or otherwise defend the lawsuit, the Clerk of Court must enter a clerk's default against the defendant. Second, when the requirements for a clerk-entered default judgment cannot be met under Rule 55(b)(1), the plaintiff must apply to the court for a default judgment under Rule 55(b)(2)." *Cleveland v. JH Portfolio Debt Equities, LLC*, 2020 WL 8167356, at *2 (S.D. Ala. Nov. 23, 2020) (internal citation omitted), report and recommendation adopted, 2021 WL 136287 (S.D. Ala. Jan. 13, 2021).

A “defendant's default alone does not warrant the entry of a default judgment.” *Id.* (citing *Nishimatsu Constr. Co. v. Houston Nat’l Bank*, 515 F.2d 1200, 1206 (5th Cir. 1975) (“[A] default is not treated as an absolute confession by the defendant of his liability and of the plaintiff's right to recover.”)). “Rather, a court must ensure there is a sufficient basis in the pleadings for the judgment to be entered.” *Id.* “Entry of default judgment is only warranted when there is a sufficient basis in the pleadings for the judgment entered.” *Surtain v. Hamlin Terrace Foundation*, 789 F.3d 1239, 1245 (11th Cir. 2015) (internal quotation omitted). The Eleventh Circuit has stated that a default judgment may only be entered where the Complaint is sufficient to withstand a motion to dismiss. *Id.* (“Conceptually, then, a motion for default judgment is like a reverse motion to dismiss for failure to state a claim.”).


On July 14, 2025, the Clerk entered default against Defendant Nos. 1, 3–4, and 7–12 (collectively referred to as the “Defaulting Defendants”) for failure to respond to the Complaint or otherwise appear in this action (“Clerk's Entry of Default”). [ECF No. 29]. On August 6, 2025, Plaintiff filed the Default Judgment Motion. [ECF No. 34]. Defendants subsequently failed to move to set aside the Clerk's Entry of Defaults or otherwise respond to the Default Judgment Motion.

The well-pleaded allegations of the Complaint are admitted by virtue of the Defaulting Defendants’ default. The Court finds that Plaintiff's Complaint [ECF No. 1] adequately states a claim for federal copyright infringement and violation of Florida Deceptive and Unfair Trade Practices Act, pursuant to 17 U.S.C. §§ 501, 502, and 504(c), The All Writs Act, 28 U.S.C. § 1651(a), and Fla. Stat. § 501.201. Default judgment against the Defaulting Defendants is, therefore, appropriate.

Accordingly, it is hereby

ORDERED AND ADJUDGED that Plaintiff's Default Judgment Motion [ECF No. 34] is **GRANTED**. In accordance with Federal Rule of Civil Procedure 58, judgment for Plaintiff will be entered separately.

DONE AND ORDERED in Chambers at Miami, Florida, this 19th day of August, 2025.



DARRIN P. GAYLES
UNITED STATES DISTRICT JUDGE