

IN THE STATE COURT OF COWETA COUNTY  
STATE OF GEORGIA

AMY PIERCE,

*Plaintiff,*

v.

STEPHEN ANDERSON,

*Defendant.*

Civil Action No.: 24SV0870

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**PLAINTIFF’S MOTION FOR ENTRY OF DEFAULT JUDGMENT**

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Plaintiff in the above-styled action respectfully files this Motion for Entry of Default Judgment against Defendant Stephen Anderson (“Defendant Anderson”), for failure to file a timely answer pursuant to O.C.G.A. § 9-11-55, showing this Court the following:

**FACTS**

1.

Plaintiff filed her Complaint against Defendant Anderson November 1, 2024. See the Complaint attached here as Exhibit A.

2.

Defendant Anderson was served with process at Defendant Anderson’s usual place of abode by leaving the Summons and Complaint with his mother, Celeste Prangley, December 13, 2024 pursuant to O.G.C.A §9-11-4(e)(7). See the affidavit of service attached here as Exhibit B.

3.

Plaintiff filed her proof of service on December 16, 2024. *Id.*

4.

Pursuant to Georgia law, Defendant Anderson's responsive pleading was due January 12, 2025.

5.

Service was proper.

6.

Defendant did not file an Answer by January 12, 2025.

7.

Defendant has not opened the default.

8.

Plaintiff's counsel has reviewed the filed pleadings in this case and can find no evidence of Defendant Anderson filing an Answer. See the Certificate of Default attached here as Exhibit C.

9.

Plaintiff's counsel acquired an SCRA Affidavit to confirm that Defendant Anderson is not a member of the United States Armed Forces and the SCRA Affidavit was inconclusive. Exhibit D. Plaintiff's Counsel believes the Affidavit is inconclusive because "Stephen Anderson" is a common name. Before filing this lawsuit Plaintiff's counsel spoke with Defendant Anderson several times, and Plaintiff's counsel does not believe that this young man is a member of the United States Armed Forces.

**ARGUMENT AND CITATION TO AUTHORITY**

10.

The Court should enter a default judgment against Defendant Anderson because he has

failed to file any responsive pleadings and the fifteen-day grace period has expired.

11.

A defendant has thirty days to file responsive pleadings to a complaint. O.C.G.A § 9-11-

12.

12.

Failure to file responsive pleadings pursuant to Georgia law constitutes a default. *Id.* See also O.C.G.A § 9-11-55(a).

13.

A defendant may open default, “as a matter of right by filing of ... defenses within 15 days of the day of default, upon payment of costs.” O.C.G.A § 9-11-55(a).

14.

If a defendant fails to answer and/or pay costs, and the case remains in default at the expiration of the 15-day period, then the plaintiff, “shall be entitled to verdict and judgment by default... as if every item in the complaint... were supported by proper evidence.” *Id.*

15.

The Court may open the default *after* the expiration of the 15-day period upon a showing of “providential cause,” “excusable neglect,” or where a “proper case” has been made for the default to be opened. O.C.G.A § 9-11-55(b).

16.

In order for the Court to do so, however, such a showing shall be made under oath, shall set up a meritorious defense, shall offer to plead *instanter*, and shall announce trial readiness. *Id.*

17.

In this case, Defendant Anderson was served with the Summons and Complaint but failed

to file responsive pleadings.

18.

The time for opening default as a matter of right has expired.

19.

All allegations in Plaintiff's Complaint should be considered proven as if by the introduction of proper evidence. O.C.G.A § 9-11-55(a).

**CONCLUSION**

WHEREFORE, Plaintiff respectfully requests that the Court enter a default judgment in her favor and against Defendant Anderson and schedule a hearing on Plaintiff's damages for the next available trial calendar.

Respectfully submitted this 28th day of January, 2025.

TOBIN INJURY LAW

BY: /s/ Campbell M. Walker

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**ATTORNEYS FOR PLAINTIFF**

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CERTIFICATE OF SERVICE

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I hereby certify that **Plaintiff's Motion For Entry of Default Judgment**, has been served upon all parties via statutory electronic service addressed to the following attorney of record:

Hilliard V. Castilla  
Waldon Adelman Castilla Hiestand & Prout  
hcastilla@waldonadelman.com  
Attorney for State Farm Mutual Automobile Insurance Company

Respectively submitted this 28<sup>th</sup> day of January, 2025.

TOBIN INJURY LAW

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