

**IN THE CIRCUIT COURT OF THE SIXTH JUDICIAL CIRCUIT  
IN AND FOR PINELLAS COUNTY, FLORIDA  
CIVIL DIVISION**

JOHN WILLIAM LICCIONE,

Plaintiff,

vs.

Case No.: 24-003939-CI

JULIE MARCUS, in her official capacity  
as Pinellas County Supervisor of Elections,  
et. al.,

Defendants.

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**ORDER GRANTING DEFENDANT’S MOTION TO VACATE CLERK DEFAULT**

**THIS CAUSE** came before the Court on November 12, 2024 upon the Motion to Vacate Clerk Default (“Motion”) filed by Defendant, MARK WEINKRANTZ (“Defendant”) on November 11, 2024, and the Court, having considered the Motion, the case file, the applicable law, the argument of counsel, and being otherwise fully advised in the premises, the Court hereby **FINDS and ORDERS** the following:

1. “There is a strong preference for lawsuits to be decided on the merits[.]” *Sunstate Courier, Inc. v. Byron*, 629 So. 2d 1095, 1096 (Fla. 2d DCA 1994) (citation omitted).
2. Although Plaintiff sought entry of a clerk’s default, a default has not been entered against Defendant.<sup>1</sup>
3. Defendant’s Motion is hereby **GRANTED** to the extent that he seeks leave to respond to Plaintiff’s Complaint without the effect of a default.
4. Defendant’s Motion to Dismiss dated November 12, 2024 is hereby accepted as

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<sup>1</sup> On or about November 8, 2024, the clerk rejected Plaintiff’s request for a clerk default against Defendant because Plaintiff failed to file an affidavit of non-military service as to Defendant.

Defendant's response to the Amended Complaint.

**DONE and ORDERED** in Chambers, in Clearwater, Pinellas County, Florida this \_\_\_\_ day of November, 2024.

  
24-003939-CI 11/19/2024 5:59:32 PM  
Circuit Judge Patricia A. Muscarella  
24-003939-CI 11/19/2024 5:59:32 PM

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**Honorable Patricia A. Muscarella**  
Circuit Civil Judge

Copies furnished to:

**Parties served by email**

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