

**NOT RECOMMENDED FOR PUBLICATION**

No. 24-6082

UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**FILED**

Jun 9, 2025

KELLY L. STEPHENS, Clerk

MID-AMERICA APARTMENT COMMUNITIES,	)	
INC.,	)	
	)	
Plaintiff-Appellee,	)	ON APPEAL FROM THE UNITED
	)	STATES DISTRICT COURT FOR
v.	)	THE WESTERN DISTRICT OF
	)	TENNESSEE
DENNIS PHILIPSON,	)	
	)	
Defendant-Appellant.	)	

**O R D E R**

Before: NALBANDIAN, MURPHY, and RITZ, Circuit Judges.

Dennis Philipson, proceeding pro se, appeals the district court's entry of a default judgment and damage award in favor of the plaintiff, Mid-America Apartment Communities, Inc. (MAA). Philipson also moves for expedited review of his appeal, reasonable accommodations, and sanctions against MAA, and to supplement the record and stay the district court proceedings. This case has been referred to a panel of the court that, upon examination, unanimously agrees that oral argument is not needed. *See* Fed. R. App. P. 34(a). For the following reasons, we deny Philipson's motions for sanctions and to supplement the record, affirm the district court's judgment, and deny as moot Philipson's other motions.

In 2023, MAA filed a complaint against John Does 1 and 2, alleging various claims, including trademark infringement and unfair competition. The district court authorized MAA to conduct discovery to determine the identity of the unknown defendants and, through the use of third-party subpoenas, MAA determined that John Does 1 and 2 were both Philipson. Thus, MAA filed an amended complaint against Philipson, alleging various claims under federal and state law,

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including trademark infringement and unfair competition. MAA specifically alleged that Philipson, who was formerly employed by MAA, operated websites and internet accounts infringing on MAA's trademarks, made false whistleblower complaints to MAA, and otherwise defamed MAA, interfered with its customers, and harassed its employees. MAA sought monetary, declaratory, and injunctive relief.

The district court issued a preliminary injunction prohibiting Philipson from engaging in certain activities similar to those referenced in the complaint, and the court found Philipson in contempt based on his repeated failure to attend hearings and respond to court orders. After Philipson failed to attend the contempt hearing, the district court issued a permanent injunction prohibiting him from engaging in activities similar to those referenced in the complaint, and the court entered a default judgment in MAA's favor based on Philipson's failure to comply with his discovery obligations, attend hearings, and respond to court orders.

Philipson appealed the district court's order granting a permanent injunction and entering a default judgment against him. We dismissed the appeal, concluding that Philipson missed the deadline for appealing the permanent injunction and that the entry of a default judgment was not yet appealable because a damage award had not been issued. The district court then determined the monetary damages that Philipson owed MAA and entered a final judgment.

On appeal, Philipson argues that the district court erred by entering the default judgment and damage award against him. He specifically contends that the district court judge is biased against him and the judge's clerk acted under a conflict of interest, the district court made various errors and violated his rights, and MAA harassed him and engaged in various misconduct.

We review for an abuse of discretion the district court's entry of a default judgment against Philipson. *See Prime Rate Premium Fin. Corp. v. Larson*, 930 F.3d 759, 768 (6th Cir. 2019). When determining whether an abuse of discretion occurred, we consider whether the appealing party acted in bad faith, whether the opposing party was prejudiced, whether the district court gave an adequate warning, and whether a less drastic sanction could have ensured compliance. *Id.* at 769.

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The district court did not abuse its discretion in entering the default judgment and damage award against Philipson. The district court reasonably concluded that Philipson acted in bad faith because he consistently failed to appear for hearings and respond to court orders, and did not fully comply with his discovery obligations. *See id.* (explaining that bad faith is the most important factor when a district court sanctions an obstreperous actor and concluding that the defendant acted in bad faith by repeatedly ignoring court orders without excuse). In addition, Philipson's actions prejudiced MAA by hindering its ability to resolve its claims, the district court warned Philipson that failing to comply with a court order could result in a default judgment, and the court imposed the lesser sanction of contempt before entering the default judgment. *See id.* at 769-70.

None of Philipson's appellate arguments compel a different result. He first argues that the court's order relied on unauthorized subpoenas because plaintiffs added his personal email addresses to a third-party subpoena. But the subpoena merely sought basic information about the accounts for the purpose of identifying John Does 1 and 2, and Philipson has not explained why the allegedly improper subpoena undermines the district court's entry of a default judgment. Philipson next argues that the district court judge was biased against him and that the judge's law clerk had a conflict of interest because, in 2020, he worked at the firm representing MAA. These arguments fail because Philipson has not established any basis for questioning the district court judge's impartiality, *see United States v. Liggins*, 76 F.4th 500, 505 (6th Cir. 2023), and he has not shown that the law clerk was biased against him or violated any ethical rules simply by working on a case that involved his former firm where the case was not filed until well after he left the firm.

Philipson next argues that MAA filed its complaint in retaliation for his whistleblowing activities. But he has neither established that his activities qualified for whistleblower protection nor shown that the plaintiffs sought to retaliate for those activities rather than to seek redress for the various legal violations identified in the complaint. Philipson also argues that the plaintiffs improperly relied on an expert report that contained speculative conclusions and lacked methodological rigor. This claim fails because Philipson does not explain how the alleged flaws in the report undermine the district court's entry of a default judgment against him. Finally,

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Philipson argues that (1) the district court denied him due process, relied on tainted evidence and false accusations, and did not properly manage the discovery process, and (2) MAA harassed him and abused the discovery process. These arguments fail because Philipson has not made a specific showing of any errors or violations that would be sufficient to undermine the district court's entry of a default judgment.

Accordingly, we **DENY** Philipson's motions for sanctions and to supplement the record, **AFFIRM** the district court's judgment, and **DENY** as moot Philipson's other motions.

ENTERED BY ORDER OF THE COURT



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Kelly L. Stephens, Clerk

**United States Court of Appeals for the Sixth Circuit**

**U.S. Mail Notice of Docket Activity**

The following transaction was filed on 06/09/2025.

**Case Name:** Mid-America Apartment Communities, Inc. v. Dennis Philipson  
**Case Number:** 24-6082

**Docket Text:**

ORDER filed : Accordingly, we DENY Philipson's motions for sanctions and to supplement the record, AFFIRM the district court's judgment, and DENY as moot Philipson's other motions.AFFIRMED. Mandate to issue, pursuant to FRAP 34(a)(2)(C), decision not for publication; [7295577-2] [7306592-2] [7309163-2] [7310828-2] [7321387-2] [7323581-2] . John B. Nalbandian, Circuit Judge; Eric E. Murphy, Circuit Judge and Kevin G. Ritz, Circuit Judge.

**The following documents(s) are associated with this transaction:**

Document Description: Order

**Notice will be sent to:**

Mr. Dennis Philipson  
6178 Castletown Way  
Alexandria, VA 22310

**A copy of this notice will be issued to:**

Mr. John S. Golwen  
Ms. Paige Waldrop Mills  
Ms. Wendy R. Oliver  
Ms. Jordan Elizabeth Thomas