

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION

MATT MORGAN,

Plaintiff,

v.

Case No: 6:18-cv-1746-Orl-40TBS

CAPITAL ALLIANCE GROUP,

Defendant.

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**ORDER**

This matter comes before the Court on the parties' Stipulation for Relief From Default and Extension of Time to Respond to Complaint, which the Court construes as a motion (Doc. 11). A district court "may set aside an entry of default for good cause". FED. R. CIV. P. 55(c). In evaluating "good cause," the court principally considers the following three factors: "(1) whether the default was culpable or willful, (2) whether setting it aside would prejudice the opposing party, (3) whether the defaulting party presents a meritorious defense, and (4) whether the defaulting party acted promptly to correct its default." Retina-X Studios, LLC v. ADVAA, LLC, 303 F.R.D. 642, 656 (M.D. Fla. 2014) (citing Compania Interamericana Export-Import, S.A. v. Compania Dominicana de Aviacion, 88 F.3d 948, 951 (11th Cir. 1996)).

The Clerk of Court entered default against Defendant on November 13, 2018, for its failure to appear in this action (Doc. 9). Now, the parties represent that Defendant defaulted because it lacked proper legal representation (Doc. 11 at 2). An attorney has recently made an appearance on behalf of Defendant (Doc. 10). Plaintiff represents that it

will not be prejudiced if the Court vacates the default (Doc. 11 at 2). The parties agree to extend the time for Defendant to file a response to Plaintiff's complaint (Id. at 3).

Upon consideration of the foregoing, it is hereby **ORDERED** that:

(1) The Motion for Relief From Default and Extension of Time to Respond to Complaint (Doc. 11) is **GRANTED**.

(2) The Clerk of Court is directed to **VACATE** the default entered on November 13, 2018 (Doc. 9).

(3) Defendant has **until November 30, 2018** to respond to Plaintiff's complaint.

**DONE** and **ORDERED** in Orlando, Florida on November 27, 2018.



THOMAS B. SMITH  
United States Magistrate Judge

Copies furnished to Counsel of Record