

UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
OCALA DIVISION

CHARLES YOUNG, an individual

Plaintiff,

v.

Case No: 5:23-cv-656-BJD-PRL

WE FLORIDA FINANCIAL,

Defendant.

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ORDER

Before the Court is the parties' stipulated motion to vacate the Clerk's entry of default against Defendant (Doc. 11), and for an extension of time for the defendant to respond to the complaint. (Doc. 14).

Under Rule 55(c) "[t]he court may set aside an entry of default for good cause[.]" Fed. R. Civ. P. 55(c). The good cause standard under Rule 55(c) is liberal and distinguishable from the more rigorous excusable neglect standard applicable to a request to set aside a default judgment. *See Compania Interamericana Export-Import, S.A. v. Compania Dominicana De Aviacion*, 88 F.3d 948, 951 (11th Cir. 1996). In determining whether to set aside an entry of default the court considers whether the default is culpable or willful, whether setting it aside would prejudice the adversary, and whether the defaulting party presents a meritorious defense. *Id.* at 951. Here, good cause exists to set aside the entry of default because Plaintiff and Defendant agree to setting aside the entry of default, and to Defendant having an extension of time to respond to the complaint. (Doc. 14). Accordingly, the parties' motion to set aside the Clerk's entry of default (Doc. 14), is **GRANTED**.

Further, because the Court is granting the parties' request to vacate the Clerk's entry of default, the plaintiff's motion for default judgment against Defendant (Doc. 12), is due to be **denied** as **moot**.

Finally, the parties' request for an extension of time for Defendant to respond to the complaint (Doc. 14), is **GRANTED**. The defendant shall file its response to Plaintiff's complaint by or before March 12, 2024.

**DONE** and **ORDERED** in Ocala, Florida on February 29, 2024.



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PHILIP R. LAMMENS  
United States Magistrate Judge

Copies furnished to:

Counsel of Record  
Unrepresented Parties