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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

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Tamisha Hill,

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No. CV-09-839-PHX-DGC

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Plaintiff,

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ORDER

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vs.

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First Integral Recovery, LLC; and O.J.
Lawal & Associates,

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Defendants.

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Plaintiff Tamisha Hill filed a complaint against Defendants First Integral Recovery, LLC and O.J. Lawal & Associates on April 21, 2009, asserting violations of the Fair Debt Collections Practices Act and a common law claim for invasion of privacy. Dkt. #1. Plaintiff has filed motions for default judgment. Dkt. ##10-11. For reasons that follow, the Court will deny the motions without prejudice.

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Because Defendants' default has been entered under Rule 55(a) of the Federal Rules of Civil Procedure (*see* Dkt. ##8-9), the Court has discretion to grant default judgment against Defendants pursuant to Rule 55(b). *See Aldabe v. Aldabe*, 616 F.2d 1089, 1092 (9th Cir. 1980); *Draper v. Coombs*, 792 F.2d 915, 924 (9th Cir. 1986). Factors the Court should consider in deciding whether to grant default judgment include (1) the possibility of prejudice to Plaintiff, (2) the merits of the claims, (3) the sufficiency of the complaint, (4) the amount of money at stake, (5) the possibility of a dispute concerning material facts, (6) whether default was due to excusable neglect, and (7) the policy favoring a decision on the merits. *See Eitel v. McCool*, 782 F.2d 1470, 1471-72 (9th Cir. 1986).

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