

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
JONESBORO DIVISION**

CYNTHIA L. JACKSON

PLAINTIFF

v.

CASE NO. 3:15-CV-00075 BSM

PORTFOLIO RECOVERY ASSOCIATES, LLC

DEFENDANT

ORDER

Defendant Portfolio Recovery Associates, LLC's ("Portfolio") motion for leave to file an answer [Doc. No. 19] is granted and Jackson's motion for default judgment [Doc. No. 21] is denied because the factors supporting leave clearly outweigh any prejudice to Jackson. *See Chorosevic v. Metlife Choices*, 600 F.3d 934, 946 (8th Cir. 2010) (listing factors). This is true because Portfolio timely filed its motion to dismiss [Doc. No. 8], which placed Jackson on notice that Portfolio contested Jackson's allegations. When the motion was granted in part and denied in part, Portfolio was required to file an answer within fourteen days of the order, but failed to do so. *See Fed. R. Civ. P. 14(a)(4)(A)*. When Portfolio realized it had failed to answer, it requested leave to answer. It was only then that Jackson moved for default judgment.

Jackson's motion is one of those motions that should have never been filed because: (1) Jackson was already on notice that Portfolio disputed its claims; (2) no delay in judicial proceedings will result due to Portfolio's late filing because its answer will be filed several months before the first deadline in the final scheduling order [Doc. No. 17]; (3) the parties appear to have been litigating as if the answer had already been filed, even to the extent of engaging in unsuccessful settlement negotiations; and (4) there is nothing suggesting

Portfolio caused the delay out of bad faith.

Portfolio is directed to file its answer forthwith.

DATED this 27th day of October 2015.


Brian S. Miller
UNITED STATES DISTRICT JUDGE