

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION**

MARK GREENE

PLAINTIFF

V.

CASE NO. 4:08CV00526

NATIONAL DOORS

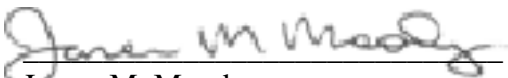
DEFENDANT

ORDER

Pending is Defendant's motion for default judgment. (Docket # 21). Plaintiff filed his complaint *pro se* on June 16, 2008. Defendant filed its Answer to the Complaint and Counterclaim against Plaintiff on July 9, 2008. Plaintiff failed to timely respond to the Defendant's counterclaim. On August 7, 2008 Defendant filed a motion for default judgment. On the same day, Christopher Gomlicker entered an appearance on behalf of Plaintiff. Mr. Gomlicker has now responded to the Defendant's motion for default judgment and has filed an Answer to the Counterclaim.

The Court finds that default judgment is not appropriate in this case as the Plaintiff's conduct was not willful, contumacious or intentional. Plaintiff has articulated a legitimate defense to Defendant's counterclaim and no prejudice has resulted from Plaintiff's delayed response. Accordingly, Defendant's motion for default judgment is denied.

IT IS SO ORDERED this 2nd day of October, 2008.



James M. Moody
United States District Judge