

1 As of the date of this Order, Centennial has not filed an opposition, nor any other
2 filing that could be construed as a request for a continuance. Centennial’s failure to
3 oppose may therefore be deemed consent to the granting of Valdez’s Motion.

4 Nevertheless, the Court has carefully considered Valdez’s arguments in support
5 and finds her Motion to Set Aside Default supported by good cause, as required by
6 Federal Rule of Civil Procedure 55(c). “The ‘good cause’ standard that governs
7 vacating an entry of default under Rule 55(c) is the same standard that governs
8 vacating a default judgment under Rule 60(b).” *Franchise Holding II, LLC v.*
9 *Huntington Rest. Group, Inc.*, 375 F.3d 922, 925 (9th Cir. 2004) (citation omitted).
10 The district court’s discretion, however, is “especially broad” with respect to setting
11 aside an entry of default, rather than a default judgment. *See Mendoza v. Wight*
12 *Vineyard Mgmt.*, 783 F.2d 941, 945 (9th Cir. 1986); *Brady v. United States*, 211 F.3d
13 499, 504 (9th Cir. 2000).

14 The “good cause” analysis considers the following three, disjunctive factors: (1)
15 whether Valdez engaged in culpable conduct that led to the default; (2) whether
16 Valdez had a meritorious defense; or (3) whether setting aside the default would
17 prejudice Centennial. *See TCI Group Life Ins. Plan v. Knoebber*, 244 F.3d 691, 696
18 (9th Cir. 2001). The Court finds that Valdez has successfully established that her
19 default was the result of excusable neglect, that she may have a meritorious defense to
20 Centennial’s counterclaim, and that setting aside default would not prejudice
21 Centennial. Valdez’s Motion to Set Aside Default is therefore **GRANTED**, and
22 default is hereby set aside. Valdez shall have 21 days from the date of this Order to
23 file an Answer or otherwise respond to Centennial’s counter-claim.

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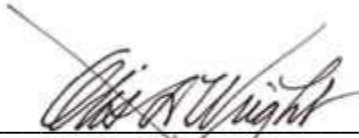
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1 Because the Court grants Valdez's Motion, Centennial's pending Motion for
2 Default Judgment (ECF No. 24) is **DENIED AS MOOT**. The May 21, 2012 hearing
3 on both Motions is **VACATED**, and no appearances are necessary.
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5 **IT IS SO ORDERED.**

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7 May 1, 2012

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10 **HON. OTIS D. WRIGHT, II**
11 **UNITED STATES DISTRICT JUDGE**
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