



1 Defendant Hemela was personally served at a residential address in Thousand Oaks,  
2 California on July 9, 2020. (ECF No. 27.) After the deadline for Defendant Hemela to file a  
3 response to the complaint had expired, the Court issued an order for Defendant Hemela to show  
4 cause why default should not be entered against her and extended the deadline for Defendant  
5 Hemela to respond to the complaint. (ECF No. 28.)

6 On September 8, 2020, Defendant Hemela filed an answer to the complaint, a response to  
7 the order to show cause, and a declaration in support of her response. (ECF Nos. 31, 32, 33.) In  
8 her response, Defendant Hemela states that her failure to timely respond was not intentional, but  
9 due to a lack of understanding regarding the importance of the paperwork and the associated  
10 deadlines. Defendant Hemela attempted to contact a former colleague regarding what response  
11 was necessary, but did not receive a response until after receiving the Court's August 7, 2020  
12 order to show cause. Upon receiving the Court's order to show cause, Defendant Hemela again  
13 reached out to her former colleagues and was eventually put in contact with her former  
14 employer's legal department, who arranged for her current legal representation. (ECF Nos. 32,  
15 33.) Further, Defendant Hemela argues that Plaintiff will not be prejudiced by allowing her to  
16 respond to the complaint because the delay has been short, and it will avoid proceedings seeking  
17 to set aside the default. Finally, Defendant Hemela states that she has a meritorious defense to  
18 Plaintiff's claims, which she should be allowed to present to the Court. (ECF No. 32.)

19 Based on the prompt filing of the answer to the complaint in response to the order to show  
20 cause and the assertion that Defendant Hemela has meritorious defenses to Plaintiff's claims, the  
21 Court finds that Defendant Hemela has demonstrated an intent to defend the suit on its merits.  
22 The Court can discern no prejudice to Plaintiff as a result of the brief delay, particularly in light of  
23 the motions to dismiss filed by Defendants Gill and Kilcrease and Plaintiff's failure to respond as  
24 of the date of this order.<sup>1</sup>

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27 <sup>1</sup> On September 3, 2020, the Court issued an order for Plaintiff to respond to the motions to  
28 dismiss within twenty-one days. (ECF No. 30.) Plaintiff's oppositions or statements of non-  
opposition are currently due on or before October 6, 2020. (Id.)

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Accordingly, the Court’s August 7, 2020 order requiring Defendant Hemela to show cause why default should not be entered, (ECF No. 28), is HEREBY DISCHARGED. The Court will issue a Discovery and Scheduling Order, if necessary, following resolution of Defendants Gill and Kilcrease’s motions to dismiss.

IT IS SO ORDERED.

Dated: September 11, 2020

/s/ Barbara A. McAuliffe  
UNITED STATES MAGISTRATE JUDGE