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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

CEMO FAMILY CHARITABLE
FOUNDATION, etl al.,

Plaintiff,

v.

DEEPAL WANNAKUWATE, et al.,

Defendants.

No. 2:14-cv-0662 KJM CKD PS

ORDER

Pending before the court are the motions to set aside defaults entered against defendants Sarah and Betsy Wannakuwate. Plaintiffs have filed opposition, contending that defendants have not shown good cause to set aside the entry of default judgment. Plaintiffs misapprehend the procedural posture of this litigation. Although defaults have been entered against the moving defendants, default judgment has not.

Sarah Wannakuwatte, the daughter of Deepal Wannakuwatte, was served by substituted service on March 13, 2014. Betsy Wannakuwatte, the wife of Deepal Wannakuwatte, was served by personal service on the same date. Defaults against these defendants were entered on April 21, 2014. ECF No. 20. Promptly, on the next day, the pending motions to set aside the defaults were filed. Defendant Sarah Wannkuwatte has filed a declaration wherein she avers that the delay in responding to the complaint was due to her attempts to get her financial affairs in order and to

1 obtain bankruptcy counsel. Defendant Betsy Wannakuwatte has filed a declaration wherein she
2 avers that the failure to timely answer was due to fear of self-incrimination because she was
3 informed she is the possible target of a continuing federal criminal investigation and that she was
4 now filing an answer because she had recently come to understand that in order to protect her
5 rights in bankruptcy court, it would be prudent to file an answer in the instant action.

6 Both of the defendants are proceeding pro se. Given defendants' pro se status, the
7 minimal delay in seeking relief from entry of default, and the reasons set forth in the supporting
8 declarations, the court finds the relief sought is warranted.

9 Accordingly, IT IS HEREBY ORDERED that:

- 10 1. The motions to set aside default (ECF Nos. 22, 25) are granted.
- 11 2. The Clerk's entry of default against defendants Sarah and Betsy Wannakuwatte (ECF
12 No. 20) is set aside.
- 13 3. This action shall proceed on the answers filed by defendants (ECF Nos. 23, 26).
- 14 4. Defendants shall promptly notify the Court of any bankruptcy petitions filed on their
15 behalf.

16 Dated: June 19, 2014

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19 CAROLYN K. DELANEY
20 UNITED STATES MAGISTRATE JUDGE

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