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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ATAIN SPECIALTY INSURANCE
COMPANY,

Plaintiff,

v.

NORTH BAY WATERPROOFING, INC.,
et al.,

Defendants.

Case No. 14-cv-04056-RMW

**ORDER GRANTING MOTION TO SET
ASIDE DEFAULT; DENYING-IN-PART
MOTION FOR DEFAULT JUDGMENT
AGAINST DOUGLAS ROSS
CORPORATION**

Re: Dkt. Nos. 20, 23

On October 20, 2014 the clerk of court entered default against defendant Douglas Ross Corporation (“DRC”). Dkt No. 16. Plaintiff Atain Specialty Insurance subsequently moved for entry of default judgment against DRC. Dkt. No. 20. DRC now moves to set aside the entry of default against DRC.¹ Dkt. No 23. DRC’s request is unopposed.

A court may set aside an entry of default for good cause. *See Fed. R. Civ. P. 55(c)*. Prior to entry of a default judgment, a court’s discretion is especially broad in determining whether to set aside entry of default. *Mendoza v. Wight Vineyard Management*, 793 F.3d 951, 945 (9th Cir. 1896). Moreover, doubt is resolved in favor of setting aside defaults so that cases may be decided on their merits. *O’Connor v. State of Nevada*, 27 F.3d 357, 364 (9th Cir. 1994).

Here, DRC states that its failure to respond in this case was due to a miscommunication with

¹ DRC does not seek to set aside the default entered against North Bay Waterproofing. *See* Dkt. No. 19. North Bay remains in default, and the court’s order does not affect Attain’s motion for default judgment as to defendant North Bay. *See* Dkt. No. 20.

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its insurer. *See* Dkt. No. 23, at 3. Having considered DRC’s motion and papers submitted in support, the court finds DRC has shown good cause to set aside the default. The court therefore GRANTS DRC’s motion, and the entry of default by the clerk shall be set aside. Accordingly, plaintiff Atain Specialty Insurance Company’s motion for default judgment is DENIED as to DRC. *See* Dkt. No. 20.

DRC has 20 days to file a response to the complaint.

Dated: January 12, 2015


RONALD M. WHYTE
United States District Judge