

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 08-cv-02367-RPM-KLM

HEARTLAND BUSINESS CREDIT CORPORATION, a Missouri corporation,

Plaintiff,

v.

SIMPLY SKIN, INC., d/b/a SIMPLYSKIN MEDSPA, INC., a Tennessee corporation,
SARA V. WEBB, an individual, and
JONATHAN L. WEBB, an individual,

Defendant(s).

MINUTE ORDER

ENTERED BY MAGISTRATE JUDGE KRISTEN L. MIX

This matter is before the Court on **Plaintiff's Motion to Vacate Hearing, Set Aside Entry of Default, and Withdraw Plaintiff's Motion for Entry of Default and Default Judgment** [Docket No. 11; Filed February 10, 2009] (the "Motion"). The Clerk entered default against Defendants Simply Skin, Inc. and Jonathan L. Webb on January 8, 2009 [Docket No. 6]. The Court set a hearing to determine whether default judgment was appropriate [Docket No. 8]. However, notice of the hearing was returned as undeliverable to Defendant Jonathan L. Webb [Docket No. 10], and Plaintiff has now indicated that it doubts the propriety of its earlier service efforts to that address. As such, Plaintiff asks the Court to set aside the entry of default and withdraw Plaintiff's request for default judgment to allow Plaintiff to "make another attempt to effect service." *Motion* [#11] at 2. Upon good cause shown,

IT IS HEREBY **ORDERED** that the Motion is **GRANTED**.

IT IS FURTHER **ORDERED** that the Clerk's entry of default against Defendants Simply Skin, Inc. and Jonathan L. Webb [#6] is SET ASIDE pursuant to Fed. R. Civ. P. 55(c).

IT IS FURTHER **ORDERED** that Plaintiff's Motion for Entry of Default and Default Judgment [#5] is deemed to be WITHDRAWN.

IT IS FURTHER **ORDERED** that the Motion Hearing set for February 19, 2009 at 1:30 is VACATED.

IT IS FURTHER **ORDERED** that the Clerk shall provide notice of this Order to: (1) Defendant Simply Skin by mailing a copy to 1019 Hamilton Ridge Lane, Knoxville, Tennessee 37922 and (2) Defendant Jonathan Webb by mailing a copy to 259 North Peters Road, Knoxville, Tennessee 37923.

Dated: February 11, 2009