

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Magistrate Judge Boyd N. Boland

Civil Action No. 11-cv-01222-REB-BNB

REBECCA AGUIRRE,

Plaintiff,

v.

APOLLO CREDIT AGENCY, INC.,

Defendant.

ORDER

By minute order [Doc. # 14, filed 9/12/2011] this matter was set for a settlement and scheduling conference to occur on October 7, 2011, at 1:30 p.m. Counsel and party representatives with full authority to settle the case were required to be present at the conference in person. The plaintiff and her counsel appeared as ordered, but the defendant and its counsel failed to appear. As a result, I entered an Order to Show Cause [Doc. # 15] commanding the defendant to show cause why default pursuant to Rule 55(a) should not enter against it. The defendant failed to respond to the Order to Show Cause.

Rule 55(a), Fed. R. Civ. P., provides:

When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's default.

The defendant's failures to appear at the settlement and scheduling conference and failure to respond to the Order to Show Cause constitute a failure to defend.

IT IS ORDERED:

- (1) The Order to Show Cause is made absolute; and
- (2) The Clerk of the Court is directed to enter a default pursuant to Rule 55(a), Fed.

R. Civ. P., against Apollo Credit Agency, Inc.

Dated October 26, 2011.

BY THE COURT:

s/ Boyd N. Boland
United States Magistrate Judge