

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF COLORADO

Civil Action No. 15-cv-02053-MEH

DANIEL LOTT,

Plaintiff,

v.

STATE FARM MUTUAL AUTOMOBILE INSURANCE COMPANY,

Defendant.

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**MINUTE ORDER**

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**Entered by Michael E. Hegarty, United States Magistrate Judge, on October 13, 2015.**

For the following reasons, Defendant's [unopposed] Motion to Set Aside Clerk's Default Pursuant to Fed. R. Civ. P. 55(c) [filed September 18, 2015; docket #7] is **granted**.

As Defendant explains in the Motion, this action was originally filed in state court; "[t]he served Summons and Complaint were misrouted within State Farm, and through simple human error, the matter did not make its way to counsel until after a default was entered against State Farm." Motion, docket #7 at 1. The state court clerk's default was thus entered on September 10, 2015. Docket #1, exhibit F. Four days later, counsel for Defendant entered an appearance in state court and sought an extension of time within which to file an answer and motion to set aside the clerk's default. Docket #1, exhibit H. No ruling was made in state court. Motion, docket #7 at 1. Defendant then removed the case to this Court on September 17, 2015 and filed the present motion the next day. Although permitted the opportunity to do so, the Plaintiff did not file a response within the time required by D.C. Colo. LCivR 7.1(d).

An entry of default may be set aside for good cause pursuant to Fed. R. Civ. P. 55(c). Because this Court sees no culpable conduct on the part of Defendant, the Defendant has presented meritorious defenses in the Answer it has filed, and Plaintiff will not suffer prejudice, the Court finds good cause to **set aside** the state court's Entry of Clerk's Default filed September 10, 2015, and **accepts as filed** the Defendant's Answer filed at docket #8. *See Hunt v. Ford Motor Co.*, No. 94-3054, 1995 WL 523646, at \*3 (10th Cir. Aug. 29, 1995).