

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF FLORIDA
OCALA DIVISION**

**SOUTHEAST FARMS, INC., a Florida
corporation**

Plaintiff,

v.

Case No: 5:14-cv-256-Oc-10PRL

**ALADDIN FARMS, INC. and ARCHIE
J. SAGERS, SR.**

Defendants.

ORDER


On June 3, 2014, upon Plaintiff's Motion for Clerk's Entry of Default (Doc. 9), default was entered by the Clerk against Defendants Aladdin Farms, Inc. and Archie J. Sagers, Sr. (Doc. 10). On June 19, 2014, Defendants filed their Motion to Set Aside Clerk's Entry of Default, asserting that their failure to respond was not due to willful neglect, but was due to difficulty obtaining counsel. (Doc. 16). On June 23, 2014, Defendants submitted a Supplement regarding their Motion (Doc. 18), advising that counsel for Plaintiff has no objection to setting aside the Clerk's default.

Rule 55(c) of the Federal Rules of Civil Procedure provides that "[f]or good cause" shown the court may set aside an entry of default. The good cause standard under Rule 55(c) is a liberal standard and distinguishable from the more rigorous excusable neglect standard applicable to a request to set aside a default judgment. *Compania Interamericana Export-Import, S.A. v. Compania Dominicana De Aviacion*, 88 F.3d 948 (11th Cir. 1996). The general guidelines for setting aside a default in the Eleventh Circuit include whether the default is culpable or willful,

whether setting it aside would prejudice the adversary, and whether the defaulting party presents a meritorious defense. *Id.* at 951.

Here, Defendants request that the Clerk's entry of default be set aside due to difficulties obtaining counsel, and Plaintiff does not object. Further, Defendants responded in a timely manner in moving to set aside the Clerk's default. Accordingly, pursuant to Rule 55(c) of the Federal Rules of Civil Procedure, and upon good cause shown, Defendants' Motion to Set Aside Clerk's Default (Doc. 16) is **GRANTED**, and the Clerk's Entry of Default (Doc. 10) is hereby set aside.

DONE and **ORDERED** in Ocala, Florida on July 9, 2014.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties