

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

**NICK RUGGIANO and JAYME
STEPHENS,**

Plaintiffs,

v.

Case No: 5:21-cv-581-GAP-PRL

**ORLANDO CUSTOM HOME
BUILDERS LLC and SEAN MARKS,**

Defendants.

ORDER

This matter is before the Court on Defendants' unopposed motion to set aside clerk's entry of default (Doc. 14) which was entered on January 4, 2022. (Doc. 12). Rule 55(c) of the Federal Rules of Civil Procedure provides that "[for] good cause shown, the court may set aside 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. *See Compania Interamericana Export-Import, S.A. v. Compania Dominicana De Aviacion*, 88 F.3d 948, 951 (11th Cir. 1996); *EEOC v. Mike Smith Pontiac GMC, Inc.*, 896 F.2d 524, 527-28 (11th Cir. 1990).

Here, Defendants were served with a copy of the complaint and summons on December 6, 2021. (Docs. 5, 6). On December 29, 2021, Plaintiffs filed their motion for entry of clerk's default. (Doc. 9). On January 4, 2022, the clerk entered default against Sean Marks and Orlando Custom Home Builders LLC. (Doc. 12). On January 5, 2022, Defendants filed the instant motion. (Doc. 15). According to Defendants, they failed to timely respond to the complaint due to an administrative oversight.

Under these circumstances, Defendants have shown the requisite good cause to set aside the default. Defendants timely moved to set aside the default, there is no suggestion of willfulness in the delay in serving the responsive pleading, there is a meritorious defense, and most importantly, Plaintiff has no objection to Defendants' motion.

Accordingly, Defendants' motion (Doc. 14) is **GRANTED** and the Clerk's default entered against Sean Marks and Orlando Custom Home Builders LLC on January 4, 2022 (Doc. 12) is hereby **SET ASIDE**. Within **fourteen days** of this Order, Defendants shall file its response to Plaintiffs' Complaint (Doc. 1).

DONE and **ORDERED** in Ocala, Florida on January 10, 2022.



PHILIP R. LAMMENS
United States Magistrate Judge

Copies furnished to:

Counsel of Record
Unrepresented Parties