

United States District Court
for the
Southern District of Florida

United States of America, Plaintiff,)	
)	
v.)	Civil Action No. 12-61786-Civ-Scola
)	
Alix Milfort, Defendant.)	

Order Granting Motion to Vacate and Vacating Default Judgment

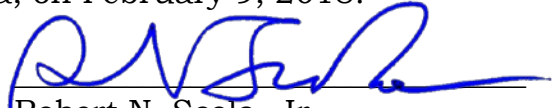
The United States of America asks the Court to vacate a default judgment entered against the Defendant Alix Milfort for recovery of a student loan debt. The Plaintiff contends that the Department of Education discharged the Defendant's debt after receiving and approving a Loan Discharge Application. (ECF No. 15.) For the reasons that follow, the Court **grants** the motion (**ECF No. 15**) and **vacates** the default final judgment as to the Defendant (**ECF No. 10**).

"[D]efaults are seen with disfavor because of the strong policy of determining cases on their merits." *Florida Physician's Ins. Co. v. Ehlers*, 8 F.3d 780, 783 (11th Cir. 1993). Under Federal Rule of Civil Procedure 60(b), a court may relieve a party from a default judgment for the following reasons: (1) mistake, inadvertence, surprise, or excusable neglect; (2) newly discovered evidence; (3) fraud, misrepresentation, or other misconduct; (4) the judgment is void; (5) the judgment has been satisfied, released, or discharged; or (6) any other reason justifying relief from the operation of the judgment. Fed. R. Civ. P. 60(b). In evaluating the applicability of subdivisions (1), (2), (3), (5), and (6), a court is afforded broad discretion in determining when a default judgment should be set aside. *See Ostone v. Jim Wright Marine Const., Inc.*, No. 10-60168-CIV, 2010 WL 3385048, at *2 (S.D. Fla. Aug. 24, 2010) (Cohn, J.).

The Plaintiff's motion appears to be based on Rule 60(b)(5), in that the Plaintiff argues that debt was discharged by the Department of Education, and therefore counsel's belief that a satisfaction of judgment would not be sufficient to demonstrate that the Plaintiff's obligation was canceled. As a result, the Plaintiff contends that the Defendant is entitled to have the default judgment vacated.

Upon review, the Court agrees, and grants the Plaintiff's motion to vacate the default final judgment in this case. This case shall remain closed.

Done and ordered at Miami, Florida, on February 9, 2018.



Robert N. Scola, Jr.
United States District Judge

Copies to:
Counsel of record via CM/ECF

Alix Milfort
4216 NW 52nd Avenue
Lauderdale Lakes, Florida 33319