

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF IDAHO

AMANDA MUNNS,

Plaintiff,

v.

NIGUEL SANTE LLC, an Idaho limited liability company d/b/a THE GABLES OF AMMON, ARROWHEAD MANAGEMENT COMPANY LLC, an Idaho limited liability company, STEPHANIE ELLWOOD, individually, and RASMUSSEN ENTERPRISES LLC, an Idaho limited liability company d/b/a Gables Senior Living,

Defendants.

Case No. 4:11-CV-039-BLW

**ORDER**

Plaintiff seeks to hold defendant Rasmussen in default for filing its answer two days late. There is, however, no showing of prejudice, and the Ninth Circuit disfavors defaults, holding that cases should be decided on the merits when possible. *Eitel v. McCool*, 782 F.2d 1470, 1472 (9th Cir.1986); *see also B2B CFO Partners, LLC v. Kaufman*, 2011 WL 6297930 (D.Ariz. Dec. 16, 2011) (denying motion for default when answer filed one day late). For these reasons, the Court will deny the motion for default. Accordingly,

NOW THEREFORE IT IS HEREBY ORDERED, that the motion for default

**Order - 1**

(docket no. 43) is DENIED.



DATED: **February 28, 2012**

*B. Lynn Winmill*

B. LYNN WINMILL

Chief Judge

United States District Court