

**IN THE UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF ILLINOIS
SPRINGFIELD DIVISION**

PACIFIC LIFE INSURANCE CO.,)	
)	
Plaintiff,)	
)	
v.)	No. 07-3139
)	
MIKE GIGER,)	
)	
Defendant.)	

OPINION

JEANNE E. SCOTT, U.S. District Judge:

This matter comes before the Court on Plaintiff’s Motion for Default Judgment (d/e 7), pursuant to Fed. R. Civ. P. 55(b)(2) and this Court’s October 16, 1985, Standing Order involving the same, against Defendant Mike Giger. Plaintiff seeks judgment in its favor. Plaintiff’s Complaint (d/e 1) seeks declaratory relief, specifically rescission of a \$100,000.00 life insurance policy, number VF51543300 (“the Policy”). Complaint, Ex. 2. For the reasons set forth below, Plaintiff’s Motion is allowed.

Plaintiff filed its Complaint on May 31, 2007, seeking to rescind the policy based on the assertion that Giger made material misrepresentations and/or omissions when applying for the policy with the actual intent to

deceive Pacific Life, or in the alternative, that those misrepresentations materially affected the acceptance of the risk by Pacific Life and the hazard assumed by Pacific Life in underwriting and issuing the Policy. The docket reveals that Giger was served with summons and the Complaint on September 16, 2007. Summons Returned Executed (d/e 4). Giger, however, failed to file an answer or otherwise appear in the case, and Plaintiff filed a Motion for Entry of Default (d/e 5).

On October 26, 2007, Magistrate Judge Charles H. Evans entered an Order of Default (d/e 6) in Plaintiff's favor and against Giger. Plaintiff provided notice to Giger of the Order of Default. Motion for Default Judgment, Ex. A. Plaintiff also sent a copy of the pending Motion for Default Judgment to Giger by U.S. Mail at the address where he was personally served with the Complaint and Summons. Motion for Default Judgment (d/e 7), Certificate of Service. Nevertheless, Giger has failed to appear in this action. Giger is not a minor or an incompetent person, nor is he in military service. Affidavit in Support of Plaintiff's Motion for Default Judgment (d/e 8). Therefore, the Court finds entry of default judgment against Giger to be appropriate. Plaintiff's Motion for Default Judgment is ALLOWED. Judgment is entered in favor of Pacific Life

Insurance Company and against Mike Giger. The \$100,000.00 life insurance policy, number VF51543300, is rescinded. All pending motions are denied as moot. This case is closed.

IT IS THEREFORE SO ORDERED.

ENTER: February 4, 2008

FOR THE COURT:

s/ Jeanne E. Scott
JEANNE E. SCOTT
UNITED STATES DISTRICT JUDGE