

**UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<p><b>SHANE KITTERMAN,</b></p> <p style="padding-left: 100px;"><b>Plaintiff,</b></p> <p><b>vs.</b></p> <p><b>JOHN BALDWIN,</b>  <b>BRIAN BANKS,</b>  <b>JEFFERY DENNISON,</b>  <b>MICHAEL DUNNING,</b>  <b>LLYOD EDWARDS,</b>  <b>JERID PICKFORD,</b>  <b>and LU WALKER,</b></p> <p style="padding-left: 100px;"><b>Defendants.</b></p>	<p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p> <p>)</p>	<p><b>Case No. 3:18-cv-0114-NJR-GCS</b></p>
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**ORDER**

**SISION, Magistrate Judge:**

This matter is before the Court on Lloyd Edwards’s motion to set aside default (Doc. 115). A request for waiver of service was sent to Edwards on June 17, 2019 and his responsive pleading was due on August 16, 2019 (Doc. 110). Edwards failed to file a responsive pleading. Accordingly, the Court entered default against Edwards on September 10, 2019 (Docs. 112 & 113) and instructed Plaintiff to file a motion for default judgment by October 2, 2019. Edwards filed the motion to set aside default on September 20, 2019.

Pursuant to F.R.C.P. 55(c), “[t]he court may set aside an entry of default for good cause.” “In order to vacate an entry of default the moving party must show: 1) good cause for default, 2) quick action to correct it, and 3) [a] meritorious defense to plaintiff’s

complaint.” *Pretzel & Stouffer v. Imperial Adjusters, Inc.*, 28 F.3d 42, 45 (7th Cir. 1994); *Cracco v. Vitran Express, Inc.*, 559 F.3d 625, 630-631 (7th Cir. 2009). The standard for setting aside an entry of default is the same as that for setting aside a default judgment, but is applied more liberally. *See Cracco*, 559 F.3d at 631.

Defendant submitted requests for representation to the Attorney General but representation was not assigned due to a clerical error at the Office of the Attorney General. Defendant also acted quickly to resolve the issue as Counsel filed a motion to set aside the defaults shortly after she entered her appearance.

Given that defaults are disfavored and the standard for vacating an entry of default is liberally applied, the Court finds that Edwards met the requirements of Rule 55(c) and **GRANTS** the Motion to Set Aside Default (Doc. 115). Edwards is **GRANTED** leave to file a responsive pleading on or before **October 21, 2019**.

**IT IS SO ORDERED.**

**Date: October 7, 2019.**

Digitally signed by  
Magistrate Judge  
Gilbert C. Sison  
Date: 2019.10.07  
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**GILBERT C. SISON**  
**United States Magistrate Judge**