

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

JOSHUA W. KRUGER,

Plaintiff,

v.

JOHN BALDWIN, *et al.*,

Defendants.

Case No. 18-cv-512-NJR

MEMORANDUM AND ORDER

ROSENSTENGEL, Chief Judge:

This matter is before the Court on Cynthia Gimber's motion to vacate entry of default (Doc. 129). Gimber seeks to vacate the entry of default entered against her on June 23, 2020 (Doc. 97). Plaintiff Joshua W. Kruger has filed a motion for default judgment (Doc. 108).

Pursuant to Federal Rule of Civil Procedure 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, 630-31 (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. *Cracco*, 559 F.3d at 631.

Gimber meets the standard for vacating the entry of default. She has shown good cause for the default. Gimber was on a leave of absence at the time she received the

summons and believed that she would be represented by counsel in any case against her. She also acted quickly to resolve the default, seeking counsel on July 10, 2020. Counsel, unfortunately, overlooked that request until just recently. Gimber also has a meritorious defense.

Given that defaults are disfavored and the standard for vacating an entry of default is liberally applied, the Court finds that Gimber has met the requirements of Rule 55(c). The entry of default against Gimber (Doc. 97) is **VACATED**. Gimber is **DIRECTED** to file her Answer by **August 24, 2020**. To the extent that Kruger seeks default judgment, that motion (Doc. 108) is **DENIED as moot**.

IT IS SO ORDERED.

DATED: August 10, 2020

Handwritten signature of Nancy J. Rosenstengel in black ink, written in a cursive style. The signature is positioned above a horizontal line that separates it from the printed name and title below.

NANCY J. ROSENSTENGEL
Chief U.S. District Judge