

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
SHREVEPORT DIVISION**

AMERICAN ECOLOGICAL
TECHNOLOGIES, LLC

CIVIL ACTION NO. 13-2208

VERSUS

JUDGE S. MAURICE HICKS, JR.

SHANKER A. SIGHAM, ET AL.

MAGISTRATE JUDGE HAYES

MEMORANDUM ORDER

Before the Court is Defendant James Harris' ("Harris") Motion to Set Aside Entry of Default. See Record Document 24. Harris moves for the entry of default, which was entered on September 3, 2013, to be set aside on the grounds that he was not properly served via Louisiana's long-arm statute. See id.; see also Record Document 15. He further noted that his failure to answer timely was not willful; setting aside the default would not prejudice Plaintiff; and he has a meritorious defense to Plaintiff's claims. See id. Harris' Motion to Set Aside Entry of Default is unopposed.

Federal Rule of Civil Procedure 55(c) provides that "the court may set aside an entry of default for good cause." Courts have routinely interpreted the good cause requirement liberally. See Effjohn Int'l Cruise Holdings, Inc. v. A&L Sales, Inc., 346 F.3d 552, 563 (5th Cir. 2003). Three factors are considered in determining whether good cause exists: "(1) whether the failure to act was willful; (2) whether setting the default aside would prejudice the adversary; and (3) whether a meritorious claim has been presented." Id. These factors are not exclusive and "other factors may be considered, such as whether the party acted expeditiously to correct the default." Id.

Based on the showing made in his motion and noting the lack of opposition from Plaintiff, the Court finds good cause exists regarding Harris' failure to answer. The Entry

of Default (Record Document 15) as to Harris entered on September 3, 2013 is hereby set aside.

Accordingly,

IT IS ORDERED that Harris' Motion to Set Aside Entry of Default (Record Document 24) be and is hereby **GRANTED**.

THUS DONE AND SIGNED, in Shreveport, Louisiana, this 1st day of October, 2013.



S. MAURICE HICKS, JR.
UNITED STATES DISTRICT JUDGE