

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MATT ERARD,

Plaintiff,

v.

MICHIGAN SECRETARY OF STATE
RUTH JOHNSON,

Defendant.

Case No. 12-cv-13627

HONORABLE STEPHEN J. MURPHY, III

**ORDER ADOPTING THE MAGISTRATE JUDGE'S REPORT AND
RECOMMENDATION (docket no. 30) AND GRANTING DEFENDANT'S
MOTION TO SET ASIDE CLERK'S DEFAULT (docket no. 22)**

Defendant Michigan Secretary of State Ruth Johnson has filed a motion to set aside the Clerk's entry of default (ECF No.14). She claims good cause exists to set aside the default because she was not properly served with a copy of the complaint and summons in this case, but chose to waive the defective service and timely filed a motion to dismiss. Mot. to Set Aside, ECF No. 22. Additionally, she claims she has meritorious defenses and that Plaintiff will not be prejudiced. *Id.* The magistrate judge recommends granting the motion. See Report, ECF No. 30. Plaintiff has not filed objections to this recommendation. The Court agrees that good cause exists to set aside the default.

WHEREFORE, it is hereby **ORDERED** that the magistrate judge's report and recommendation (ECF No. 30) is **ADOPTED** and Defendant's motion to set aside the Clerk's entry of default (ECF No. 22) is **GRANTED**.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: October 29, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on October 29, 2012, by electronic and/or ordinary mail.

Carol Cohron
Case Manager