

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA
Civil No. 10-178(DSD/JJK)

State Farm Mutual Automobile
Insurance Company,

Plaintiff,

v.

ORDER

Tara Follese, Charles Case
and Randall Mortensen,

Defendants.

This matter is before the court upon the motion of plaintiff State Farm Mutual Automobile Insurance Company ("State Farm") for default judgment and the motion of defendant Randall Mortensen ("Mortensen") to amend his answer and assert a counterclaim. Based on a review of the file, record and proceedings herein, and for the following reasons, the court grants both motions.

Pursuant to Federal Rule of Civil Procedure 55, State Farm seeks entry of default judgment against defendants Tara Follese ("Follese") and Charles Case ("Case"). Neither Follese nor Case have entered an appearance in this action or taken steps to defend against State Farm's claims. While Follese and Case attended the May 21, 2010, hearing on this matter, both indicated that they do not oppose entry of default judgment. Accordingly, the court determines that entry of default judgment is appropriate, with the condition that Follese and Case may reinstate their position in this case if necessary.

The court next considers Mortensen's motion to amend his answer and assert a counterclaim pursuant to Federal Rule of Civil Procedure 15(a)(2). At the May 21, 2010, hearing, State Farm indicated that it does not oppose this motion. Furthermore, the court determines that the interests of justice support allowing the amendment. Accordingly, the court grants Mortensen's motion.

Therefore, based on the above, **IT IS HEREBY ORDERED** that:

1. State Farm's motion for default judgment [Doc. No. 30] is granted, with the condition that defendants Follese and Case may reinstate their position in this action if necessary, and;

2. Mortensen's motion to amend his answer and assert a counterclaim [Doc. No. 11] is granted.

Dated: May 24, 2010

s/David S. Doty
David S. Doty, Judge
United States District Court