

**IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF MISSOURI  
WESTERN DIVISION**

MARK FAUGHN, et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 4:14-CV-00245-BCW
	)	
JPMORGAN CHASE BANK, NA,	)	
	)	
Defendant.	)	

**ORDER**

Before the Court is Plaintiffs’ Motion for Default Judgment (Doc. #25). There are two stages in a default proceeding: (1) entry of default, and (2) entry of default judgment. Fed. R. Civ. P. 55. Entry of default is proper when a party fails to plead or “otherwise defend.” Id. at 55(a). Here, Chase has not failed to otherwise defend. Chase has filed a motion to claw back documents, has appeared at teleconferences, and complied with all court orders. See, e.g., Higgins v. Dankiw, No. 8:08CV15, 2008 WL 2565110, at \*2-3 (D. Neb. June 24, 2008) (denying default and recognizing that the words “otherwise defend” presume the absence of affirmative action). Accordingly, it is hereby

ORDERED Plaintiffs’ Motion for Default Judgment (Doc. #25) is DENIED.

IT IS SO ORDERED.

DATED: March 30, 2015

/s/ Brian C. Wimes  
JUDGE BRIAN C. WIMES  
UNITED STATES DISTRICT COURT