

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

LESLIE YOUNG LODGE POLE,

Plaintiff,

vs.

EMERY NAULT, LENORA
MEYERS-NAULT, and GLORIA
LITTLE,

Defendants.

CV 16-110-GF-BMM

ORDER

Plaintiff Leslie Lodge Pole (Lodge Pole) filed an Amended Complaint *pro se* on February 23, 2017. The Amended Complaint alleges claims for wrongful termination, sexual harassment, defamation, and religious discrimination. (Doc. 9 at 7). The record reflects that Defendant Lenora Meyers-Nault was served on October 19, 2017, and that Defendants Emery Nault and Gloria Little were served on October 20, 2017. (Docs. 12, 13, 14).

Defendants failed to file responsive pleadings within the time period prescribed under Fed. R. Civ. P. 12(a). Defendants were in default as of November 10, 2017. Defendants retained counsel on or about November 30, 2017. (*See* Doc. 22-1). Defendants filed their joint Answer on December 7, 2017. (Doc. 20).

Presently before the Court are Defendants' Motion to Set Aside Defaults (Doc. 22), Lodge Pole's Amended Motion for Entry of Default Judgment (Doc. 18),

and Lodge Pole's Second Amended Motion for Entry of Default Judgment (Doc. 21).

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on January 31, 2018. (Doc. 23). Judge Johnston recommended that Defendants' Motion to Set Aside Defaults be granted, and that Lodge Pole's Motions for Entry of Default Judgment be denied. Lodge Pole did not file objections to Judge Johnston's Findings and Recommendations.

The Court has reviewed Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). The Court finds no error in Judge Johnston's Findings and Recommendations, and adopts them in full. The Court may set aside a default for good cause. Fed. R. Civ. P. 55(c).

Good cause exists to set aside the defaults in this case. Defendants one-month delay in filing their Answer has not hindered Lodge Pole's ability to pursue his claims. A cursory review of Defendants' Answer reveals that the Defendants may have meritorious defenses to Lodge Pole's claims.

Accordingly, IT IS ORDERED:

1. Defendants' Brief in Opposition to Plaintiff's Motions for Entry of Default, construed as a motion to set aside default (Doc. 22) is GRANTED.

2. Plaintiff's Amended Motion for Entry of Default Judgment (Doc. 18)
is DENIED.

3. Plaintiff's Second Amended Motion for Entry of Default Judgment
(Doc. 21) is DENIED.

DATED this 13th day of March, 2018.

A handwritten signature in blue ink that reads "Brian Morris". The signature is written in a cursive style with a horizontal line underneath it.

Brian Morris
United States District Court Judge