

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

FILED

AUG 05 2013

Clerk, U.S. District Court
District Of Montana
Missoula

CHAD A. MYERS and EMILY J.
MYERS,

Plaintiffs,

vs.

BAC HOME LOANS SERVICING LP,
BANK OF AMERICA N.A., AMERICA
WHOLESALE LENDERS INC.,
COUNTRYWIDE HOME LOANS
SERVICING LP, MORTGAGE
ELECTRONIC REGISTRATION
SYSTEMS INC., RECONTRUST
COMPANY N.A.,

Defendants.

CV 13-53-M-DWM-JCL

ORDER

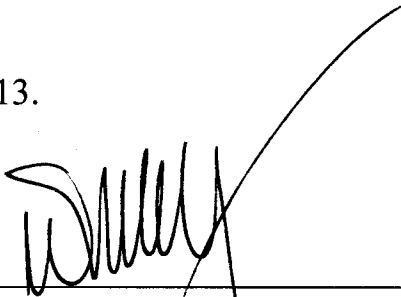
The defendants move under Federal Rule of Civil Procedure 55(c) to set aside the default entered against them. Magistrate Judge Lynch recommends granting the motion. The Court agrees and orders the default set aside.

The plaintiffs had 14 days to file objections to Judge Lynch's Findings and Recommendation. They did not do so. So the Court reviews the Findings and Recommendation for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

The Court finds no clear error and adopts the Findings and Recommendation in full. The defendants do not provide any reason or excuse for their untimely appearance in this case. But the default should nonetheless be set aside because the defendants have met their burden of showing that they have a potentially meritorious defense and that setting aside the default will not prejudice the plaintiffs. They have therefore established good cause to set aside the entry of default. *See* Fed. R. Civ. P. 55(c).

IT IS ORDERED that the defendants' motion to set aside the entry of default (doc. 19) is GRANTED. The Clerk of Court's entry of default (doc. 10) is SET ASIDE.

Dated this 5th day of August 2013.



Donald W. Molloy, District Judge
United States District Court

