

1 **UNITED STATES DISTRICT COURT**
 2 **DISTRICT OF NEVADA**

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 4 **BEAZER HOMES HOLDING CORP.,**) Case No.: 2:09-cv-02089-GMN-LRL
)
 5 **Plaintiff,**) **ORDER**
)
 6 **vs.**)
)
 7 **CW CAPITAL FUND ONE, LLC, et al.,**)
)
 8 **Defendants.**)
 9)

10 This matter is before the Court on Plaintiff's Motion (ECF No. 39) to set aside the
 11 February 19, 2010 entry of default against Defendant CW Capital Fund One, LLC. For
 12 the reasons that follow, the Court GRANTS Plaintiff's Motion.

13 **DISCUSSION**

14 Pursuant to Federal Rule of Civil Procedure 55(c), a court may set aside a default
 15 for good cause. There is certainly good cause here.

16 In its Motion, Plaintiff admits that, on November 13, 2009, Plaintiff erroneously
 17 served CW Capital Fund One, *Inc.* with the Summons and Complaint in this matter,
 18 though the actual defendant is CW Capital Fund One, *LLC*. Thus, when Plaintiff moved
 19 for the entry of default against CW Capital Fund One, LLC on February 12, 2010, it
 20 moved for a default against an entity that had not yet been served. Because the February
 21 19, 2010 default was entered even though CW Capital Fund One, LLC had not yet been
 22 served with process, the Court finds that there is good cause to set aside that entry of
 23 default.

24 **CONCLUSION**

25 **IT IS HEREBY ORDERED** that Plaintiff's Motion (ECF No. 39) is GRANTED.

1 The February 19, 2010 entry of default (ECF No. 21) as to CW Capital Fund One, LLC is
2 VACATED.

3 DATED this 20th day of September, 2010.
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7 Gloria M. Navarro
8 United States District Judge
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