1 2 3 UNITED STATES DISTRICT COURT 4 DISTRICT OF NEVADA 5 \* \* \* 6 JULIE MCEWEN. 2:09-CV-02173-PMP-LRL 7 Plaintiff, 8 ORDER 9 ELERATED COMMERCIAL 10 ULBRIGHT, TERRY PRITCHETT, 11 and MARK MASTRANGELO. 12 Defendants. 13 The Court having read and considered Defendant Accelerated Commercial 14 Consultant's fully briefed Motion to Set Aside Default (Doc. #34), and Plaintiff's 15 Praecipe for Default Against Defendant Accelerated Commercial Consultants (Doc. 16 #19), and further considering the arguments presented at the hearing conducted April 17 19, 2010, and good cause appearing, 18 The Court finds that Defendant Accelerated Commercial Consultants 19 Motion to Set Aside Default (Doc. #34) should be granted. Specifically, the Court 20 finds that although the principals of Defendant Accelerated, Frank Ulbright and 21 Terry Pritchett, may have been negligent in failing to insure that an answer to 22 Plaintiff's Complaint was filed by counsel on behalf of Defendant Accelerated, their 2.3 conduct was not "culpable." Moreover, although Defendant Accelerated's 24 explanation as to a meritorious defense arguably is tenuious, the Court concludes this 25 action should be decided on its merits. 26

1	IT IS THEREFORE ORDERED that Defendant Accelerated
2	Commercial Consultant's Motion to Set Aside Default (Doc. #34) is <b>GRANTED</b> .
3	IT IS FURTHER ORDERED that Plaintiff Julie McEwen's Praecipe for
4	Default Judgment Against Accelerated Commercial Consultants (Doc. #19) is
5	DENIED.
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7	DATED: April 19, 2010.
8	Phy m. On
9	PHILIP M. PRO
10	United States District Judge
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