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**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

ISAAC AVENDANO and ROLAND DUENAS,	)	3:13-cv-00168-HDM-VPC
	)	
Plaintiffs,	)	
	)	ORDER
vs.	)	
	)	
SECURITY CONSULTANTS GROUP, INC.,	)	
et al.,	)	
	)	
Defendants.	)	
_____	)	

15 Plaintiffs filed their complaint in this action on April 3,  
16 2013, and defendants United Government Security Officers of America  
17 and United Government Security Officers of America, Local 283  
18 ("Union defendants") filed their answer on July 29, 2013. On  
19 January 27, 2014, the court granted the motion for more definite  
20 statement filed by defendants Security Consultants Group, Inc.,  
21 Paragon Systems, Inc., and Securitas Security Services USA, Inc.  
22 and directed plaintiffs to file an amended complaint on or before  
23 February 14, 2014.

24 On February 14, 2014, plaintiffs filed their first amended  
25 complaint. On March 11, 2014, absent any answer to the amended  
26 complaint by the Union defendants, plaintiff moved for entry of  
27 clerk's default (#63). On March 12, 2014, the Union defendants  
28 filed a motion for an extension of time in which to file their

1 answer and for leave to file their answer (#64). The motion has  
2 been opposed by plaintiffs (#67). The Union defendants have  
3 replied (#70).

4 Defaults are generally disfavored, and cases "should, whenever  
5 possible, be decided on the merits." *TCI Group Life Ins. Plan v.*  
6 *Knoebber*, 244 F.3d 691, 696 (9th Cir. 2001). Because the Union  
7 defendants have appeared in and are actively litigating this  
8 action, default is not proper at this time. Accordingly, the  
9 plaintiffs' motion for entry of default (#63) is **DENIED**.

10 The court further finds good cause to grant the Union  
11 defendants leave to file their untimely answer to the amended  
12 complaint, particularly given that the Union defendants had already  
13 answered the plaintiff's original complaint, and the amended  
14 complaint was not filed in response to any motion made by the Union  
15 defendants. The Union defendants' motion for an enlargement of  
16 time and for leave to file an answer, instanter (#64) is therefore  
17 **GRANTED**.

18 IT IS SO ORDERED.

19 DATED: This 1st day of April, 2014.

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22 UNITED STATES DISTRICT JUDGE

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