

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
DOCKET NO. 3:17-cv-519

GWENDOLYN A. ADAMS,

Plaintiff,

Vs.

SUBSTITUTE TRUSTEE SERVICES, INC.,

Defendant.

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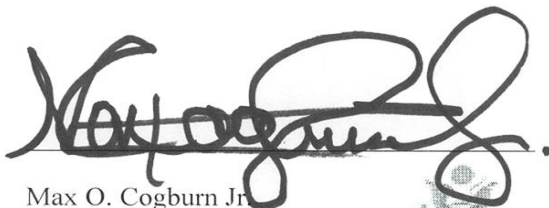
ORDER

THIS MATTER is before the court on defendant’s Motion to Strike Plaintiff’s Notice of Default. Here, plaintiff filed a Notice of Default on January 3, 2018, claiming that defendant had failed to answer plaintiff’s complaint. However, there is a motion to dismiss (#9), accompanying response (#12), and reply (#15) all awaiting the court’s judgment. As a result, default is inappropriate since defendant has not “failed to plead or otherwise defend” in this matter. Fed. R. Civ. P. 55. Having thus considered defendant’s motion and reviewed the pleadings, the court enters the following Order.

ORDER

IT IS, THEREFORE, ORDERED that defendant’s Motion to Strike Plaintiff’s Notice of Default (#18) is **GRANTED**. Plaintiff’s Notice of Default (#17) is hereby stricken.

Signed: January 5, 2018



Max O. Cogburn Jr.
United States District Judge