

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Seth D. Harris, Acting Secretary of Labor, Successor to
Hilda Solis, United States Department of Labor,

Plaintiff,

v.

Bruce E. Spencer; Tannile Elizabeth Ortiz; Paul
Olezeski; and Spencer & Associates, LLC Profit
Sharing Plan,

Defendants.

Case No. 3:12-cv-283
Judge Thomas M. Rose

Order Granting Motion to Vacate Default Judgment, R. 17, and Ordering Tannile Elizabeth Ortiz to File with This Court an Answer to the Complaint by March 20, 2013.

This matter is before the Court on Defendant Tannile Elizabeth Ortiz's Motion to Vacate Default Judgment. R. 17. Pursuant to the test to be applied in determining "good cause" enunciated in *United Coin Meter Co. v. Seaboard Coastline Railroad*, 705 F.2d 839 (6th Cir. 1983), the Court **GRANTS** Ortiz's motion. There is no evidence that Ortiz's conduct was wilful. Such would require a display of "either an intent to thwart judicial proceedings or a reckless disregard for the effect of its conduct on judicial proceedings." *Thompson v. Am. Home Assur. Co.*, 95 F.3d 429, 433 (6th Cir.1996) (citing *INVST Fin. Group, Inc. v. Chem-Nuclear Sys., Inc.*, 815 F.2d 391, 399 (6th Cir.1987)). The Court is also mindful of the latitude afforded afforded pro se parties in considering whether there might be any merit in Ortiz's position. Thus, Ortiz is **GRANTED** until March 27, 2013 to file with the Court an answer to the complaint.

March 4, 2013

s/Thomas M. Rose._____

United States District Judge