IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

CIVIL ACTION	
NO. 08-cv-1144	

ORDER

AND NOW, this 16th day of October 2009, upon consideration of Third Party Plaintiffs' Request for Default Judgment [docket entry No. 23], Third Party Defendant's Motion to Strike and, In the Alternative, Petition to Open and Stay Judgment [docket entry No. 25], Third Party Plaintiffs' Responses thereto, after oral argument from the parties, and for the reasons set forth in the attached Memorandum Opinion, it is hereby **ORDERED** that:

1. Third Party Defendant's Motion to Strike and, In the Alternative, Petition to Open and Stay Judgment [docket entry No. 25] shall be construed as a Request to Set Aside Entry of Default;

2. Third Party Defendant's Request to Set Aside Entry of Default is **GRANTED**;

3. Default entered against Third Party Defendant on June 10, 2009 and again on

July 9, 2009 shall be SET ASIDE; and

4. Third Party Plaintiffs' Request for Default Judgment is **DENIED**.It is so **ORDERED**.

BY THE COURT:

<u>/s/ CYNTHIA M. RUFE</u> CYNTHIA M. RUFE, J.