

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA
CHARLESTON DIVISION**

Banner Life Insurance Company,)
)
Plaintiff,)
)
vs.)
)
Larry Robert Grooms, individually and)
as guardian of BG, a minor child under)
the age of fourteen (14), Robert Johnson,)
Jr., and BG, a minor child under the age)
of fourteen (14),)
)
Defendants.)
)
)
_____)

Civil Action No. 2:13-2845-RMG

ORDER

This matter comes before the Court on a Report and Recommendation (“R & R”) of the Magistrate Judge recommending that the entry of default be set aside and the motions for default judgment and judgment on the pleadings be denied. (Dkt. No. 97). Defendant Robert Johnson, Jr. has filed an objection to the R & R. (Dkt. No. 100). The Court, having carefully reviewed the R & R, the record in this matter, the objections filed, and relevant legal authorities, finds that the Magistrate Judge ably and thoroughly summarized the factual and legal issues in this matter and correctly concluded that the entry of default should be set aside and the motion for default judgment and judgment on the pleadings should be denied. As noted by the Magistrate Judge, Defendant Grooms is handling this matter *pro se* and has represented to the Court that his failure to respond to the Court’s orders is because of a change of address that resulted in him not receiving notices. Under these circumstances, all parties should have the opportunity to contest

the issues on the merits.

Therefore, the Court **ADOPTS** the R & R (Dkt. No. 97) as the order of the Court, **SETS ASIDE** the entry of default (Dkt. No. 64), and **DENIES** motions for a default judgment and judgment on the pleadings. (Dkt. Nos. 61, 62).

AND IT IS SO ORDERED.

A handwritten signature in black ink, appearing to read 'R. Gergel', is written above a horizontal line.

Richard Mark Gergel
United States District Court

July 21, 2015
Charleston, South Carolina