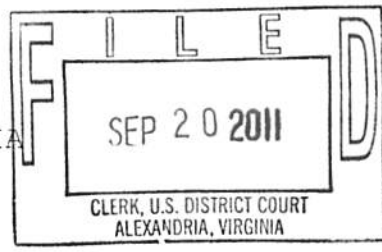


UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division



Beth A. Feeley, <u>et al.</u> ,)	
)	
Plaintiffs,)	
)	
v.)	Civil Action No. 1:08cv1212
)	
Total Realty Management, LLC,)	
<u>et al.</u> ,)	
)	
)	
Defendants.)	

MEMORANDUM OPINION

THIS MATTER came before the Court on Defendant's Motion to Vacate Default (Dkt. 572).

The history of this case is convoluted. Defendant Jalajel was served with the summons and complaint on February 5, 2009. Defendant failed to file an answer or other responsive pleading within twenty days of service, or February 25, 2009. On February 27, 2009 Defendant Jalajel filed a petition in bankruptcy, although Plaintiff's first Application for Entry of Default against him was granted on March 10, 2009. Defendant Jalajel then filed a suggestion in Bankruptcy on March 11, 2009 and all proceedings as to this defendant were stayed by order dated March 20, 2009. Subsequently, the Court terminated the default against Defendant Jalajel on March 26, 2009 due to the bankruptcy proceedings.

On April 8, 2001 defendant's stay of proceedings was lifted. Plaintiff's Second Application to Clerk for Entry of Default Against Defendant Mark Jalajel was filed on May 20, 2011 and the

clerk entered default on August 16, 2011. However, it appears that plaintiff's second motion was not mailed to defendant, who was acting pro se as his former counsel, Martin J.A. Yeager, had only entered his appearance for the limited purpose of filing a Motion to Quash and Protective Order related to the bankruptcy stay.

Given the length of time that has elapsed since defendant was first served with the complaint and since no notice of plaintiff's second motion was provided to Defendant Jalajel, it seems prudent the Court allow Defendant Jalajel an opportunity to appear and defend himself in this case.

Therefore, the Court finds that it is appropriate to grant defendant's Motion to Vacate Default. Defendant shall have until October 14, 2011 to file an answer or appropriate responsive pleading.

An appropriate order shall be entered.

ENTERED this 20th day of September, 2011.



/s/

Theresa Carroll Buchanan
United States Magistrate Judge

THERESA CARROLL BUCHANAN
UNITED STATES MAGISTRATE JUDGE

Alexandria, Virginia