U.S. District Court Vacates Personal Injury Defendant's Default After Determining Good Cause Existed

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In Barbot v. Clowney, Civil Action No. 18-11947 (FLW)(ZNQ), the United States District Court for the District of New Jersey granted defendant, Cato Clowney's Motion to Set Aside Default in a personal injury case arising from a motor vehicle accident. The defendant did not timely interpose an Answer to the plaintiff's Complaint or otherwise respond to same after the plaintiff effected service on him. Therefore, default was entered against the defendant. In determining whether good cause existed to set aside the entry of default, the Court analyzed three factors: (1) whether lifting the default would prejudice the plaintiff, (2) whether the defendant had a *prima facie* meritorious defense, and (3) whether the defaulting defendant's conduct was excusable or culpable.

The Court held that the first factor weighed in favor of vacating the default because the plaintiff would not be prejudiced by setting aside default. As to the second factor, the Court found that the defendant established at least one *prima facie* meritorious defense. The defendant satisfied this factor by arguing that the motor vehicle accident was not the proximate cause of the plaintiff's injuries since there were medical records indicating the plaintiff had pre-existing impairments to her spine. The Court further held that the defendant met the third factor and demonstrated that the untimely response to the plaintiff's Complaint was not the result of culpable conduct. Instead, the defendant successfully argued that his delay in filing an Answer was the result of his counsel's excusable inadvertence and oversight, for which he should not be penalized. The Court noted that although the defendant could have provided a more detailed explanation for the third factor, the overriding policy favors reaching a decision in cases on the merits. Accordingly, the Court ultimately decided to grant the defendant's request to vacate the default as the three factors weighed in favor of granting the Motion and public policy also favors resolving cases on the merits.