

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. CV 20-7946-DMG (MRWx)

Date May 19, 2021

Title **Jonas Jödicke v. Aaron Carter**

Page 1 of 2

Present: The Honorable **DOLLY M. GEE**, UNITED STATES DISTRICT JUDGE

KANE TIEN

Deputy Clerk

NOT REPORTED

Court Reporter

Attorneys Present for Plaintiff(s)
None Present

Attorneys Present for Defendant(s)
None Present

**Proceedings: IN CHAMBERS—ORDER DENYING PLAINTIFF’S MOTION FOR
DEFAULT JUDGMENT [17]**

On August 31, 2020, Plaintiff Jonas Jödicke filed a Complaint alleging two claims of copyright infringement against Defendant Aaron Carter. [Doc. # 1.]

The Clerk entered default against Carter on October 7, 2020. [Doc. # 13.] Jödicke now applies for a default judgment. Motion for Default Judgment (“MDJ”) [Doc. #17]. The MDJ was served on Carter on December 7, 2020. [Doc. # 19.] The next day, an attorney noticed his appearance on behalf of Carter and filed a memorandum in opposition to the MDJ. [Doc. # 21.] In the Opposition, Carter’s attorney indicated his intention to file a motion for relief from default. Opp. at 1, n.1.

Given Carter has appeared in this action to oppose the MDJ, the Court exercises its significant discretion to consider whether there is good cause to set aside the entry of default against him. See Fed. R. Civ. P. 55(c); *O’Connor v. State of Nev.*, 27 F.3d 357, 364 (9th Cir. 1994) (“The court’s discretion is especially broad where, as here, it is entry of default that is being set aside, rather than a default judgment.”). In evaluating whether good cause exists, a court considers three factors: (1) whether the party seeking to set aside the default engaged in culpable conduct that led to the default; (2) whether it had no meritorious defense; or (3) whether reopening the default judgment would prejudice the other party. *United States v. Signed Personal Check No. 730 of Yubran S. Mesle*, 615 F.3d 1085, 1091 (9th Cir. 2010). These factors are disjunctive. Thus, “a finding that any one . . . is true is sufficient reason for the district court to refuse to set aside the default.” *Id.* Nonetheless, default judgment is a “drastic step appropriate only in extreme circumstances; a case should, whenever possible, be decided on the merits.” *Id.* (quoting *Falk v. Allen*, 739 F.2d 461, 463 (9th Cir. 1984)).

The Court concludes that the circumstances do not warrant the extreme measure of entering default judgment. Even if Carter acted in bad faith by not promptly responding to the Complaint, he appeared in this action to defend himself immediately upon being served with the MDJ. His

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
CIVIL MINUTES—GENERAL

Case No. **CV 20-7946-DMG (MRWx)**

Date **May 19, 2021**

Title ***Jonas Jödicke v. Aaron Carter***

Page **2 of 2**

Opposition states **potentially meritorious defenses**, and the Court finds no prejudice to Jödicke in permitting the litigation to go forward.

These factors, and **the Court's preference for deciding a case on its merits**, weigh in favor of setting aside the entry of default against Carter. **The Court therefore ORDERS the Clerk to set aside Carter's default and DENIES Jödicke's MDJ.** **Carter shall file a response to the Complaint within 15 days** of the date of this Order.

IT IS SO ORDERED.