

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
LOUISIANA, LAFAYETTE DIVISION

Gloria Ann Robertson v. Judge S. Maurice Hicks, Jr., William F. Tate,
IV, et al.

Robertson · No. 25-0723 · Decided February 19, 2026

SUMMARY

The court grants Defendants’ motion to set aside the Clerk’s entry of default because Plaintiff did not properly serve the required state entities and officials under Federal Rule of Civil Procedure 4 and Louisiana law. The court declines to dismiss the action with prejudice and extends the service deadline to March 20, 2026. Plaintiff’s motion for default judgment is denied because the entry of default has been set aside.

CASE DETAILS

COURT	United States District Court for the Western District of Louisiana, Lafayette Division
WRITING FOR THE COURT	S. Maurice Hicks, Jr.
JURISDICTION	United States District Court for the Western District of Louisiana, Lafayette Division
DECIDED	February 19, 2026
DOCKET	25-0723
DISPOSITION	other
PROCEDURAL POSTURE	Defendants moved under Federal Rule of Civil Procedure 55(c) to set aside the Clerk's Entry of Default and sought dismissal with prejudice. The district court granted the motion to set aside default, denied dismissal with prejudice, and extended the time for service under Rule 4(m).
STANDARD OF REVIEW	A district court's decision to set aside a default is reviewed under the court's sound discretion; the applicable substantive standard under Rule 55(c) is whether good cause exists.
PRECEDENTIAL VALUE	unpublished district court memorandum order; precedential status not stated

TOPICS

service of process

default

default judgment

civil procedure

PRACTICE AREAS

civil procedure

service of process

default practice

QUESTIONS PRESENTED

1. Whether the Clerk's Entry of Default should be set aside for good cause under Federal Rule of Civil Procedure 55(c).
2. Whether Plaintiff's service on an assistant in LSU's Office of Legal Affairs and General Counsel satisfied the federal and Louisiana requirements for serving a state government entity.
3. Whether the action should be dismissed with prejudice because of the service deficiencies.
4. Whether Plaintiff should receive additional time under Rule 4(m) to complete service.

HOLDINGS

1. The entry of default was properly set aside because Defendants demonstrated good cause under Federal Rule of Civil Procedure 55(c).
2. Personal service on Robin Richardson, an assistant in LSU's Office of Legal Affairs and General Counsel, did not establish compliance with the applicable federal and Louisiana service requirements because the record lacked service on the Attorney General, the head of the concerned agency, department, or board, and the Office of Risk Management.
3. Dismissal with prejudice was not warranted at that stage.

KEY QUOTATIONS

“Under Federal Rule of Civil Procedure, Rule 55(a), a default may only be entered into the record “[w]hen a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend.””

“Pursuant to Rule 55(c), “the court may set aside an entry of default for good cause.””

“Additionally, “the decision to set aside a default decree lies within the sound discretion of the district court.””

FACTUAL BACKGROUND

Plaintiff attempted to serve the LSU Board of Supervisors and individual defendants, but the initial summonses were returned unexecuted. After receiving an extension, Plaintiff obtained personal service on Robin Richardson, an assistant to the vice president of LSU's Office of Legal Affairs and General Counsel, and then obtained an entry of default against the Board of Supervisors. The record did not show service on the Louisiana Attorney General, the head of the concerned agency, department, or board, or the Office of Risk Management.

PROCEDURAL HISTORY

Plaintiff filed the complaint on May 22, 2025. After initial summonses were returned unexecuted, the court granted Plaintiff an extension to effect service. Plaintiff later obtained an entry of default against the LSU Board of Supervisors after service on an assistant in LSU's Office of Legal Affairs. The court concluded that service on the required Louisiana officials and offices had not been shown, set aside the entry of default, denied the related motion for default judgment, and granted additional time to complete service.

DISPOSITION

other

REMAND INSTRUCTIONS

No remand. Plaintiff was granted until March 20, 2026, to properly serve each defendant and file evidence of service. Failure to make valid service may result in dismissal of claims against any defendant not properly served by the deadline. Plaintiff's Motion for Default Judgment was denied because the Clerk's Entry of Default was set aside.

CASES CITED

- United States v. One Parcel of Real Prop., 763 F.2d 181, 183 (5th Cir. 1985)