

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF CALIFORNIA

Bizarre Academia, LLC v. Wolf

Bizarre Academia · No. 24-cv-03058-HSG · Decided March 25, 2025

SUMMARY

The United States District Court for the Northern District of California grants Defendant Noah Wolf’s motion to set aside entry of default under Federal Rule of Civil Procedure 55(c). The court finds good cause based on Defendant’s efforts to respond before default was entered and Plaintiff’s lack of opposition. The court deems Defendant’s answer properly filed and schedules a case management conference.

CASE DETAILS

COURT	United States District Court for the Northern District of California
WRITING FOR THE COURT	Haywood S. Gilliam, Jr.
JURISDICTION	United States District Court for the Northern District of California
DECIDED	March 25, 2025
DOCKET	24-cv-03058-HSG
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 55(c) to set aside the Clerk's entry of default.
STANDARD OF REVIEW	The Court has discretion to set aside an entry of default or default judgment; an entry of default may be set aside for good cause under Federal Rule of Civil Procedure 55(c).
PRECEDENTIAL VALUE	unpublished district court order

TOPICS

- default
- civil procedure

PRACTICE AREAS

- civil procedure

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).

HOLDINGS

1. The entry of default must be set aside because Defendant demonstrated good cause through his efforts to respond before default was entered, and Plaintiff did not oppose the showing of good cause.
2. Defendant's answer is deemed properly filed and entered into the record after the default is set aside.

KEY QUOTATIONS

“Plaintiff filed a statement confirming that it “seeks to find resolution of the case on its merits”” (at 1)

FACTUAL BACKGROUND

Bizarre Academia, LLC sued Noah Wolf and served him internationally in Germany under the Hague Convention. Wolf mailed an answer before the Clerk entered default, although the Court received it the following day. Wolf sought to set aside the default, asserting that he had acted before default was entered, had a meritorious defense, and would not prejudice Plaintiff; Plaintiff stated that it sought resolution on the merits and did not oppose the motion.

PROCEDURAL HISTORY

Plaintiff filed the complaint in June 2024 and completed international service on Defendant in Germany in October 2024. After Defendant failed to respond by the deadline, the Clerk entered default on February 27, 2025. Defendant had mailed an answer two days earlier, and the Court granted his motion to set aside default after considering his efforts to respond and Plaintiff's lack of opposition.

DISPOSITION

other

CASES CITED

- Brandt v. Am. Bankers Ins. of Florida, 653 F.3d 1108, 1111-12 (9th Cir. 2011)
- United States v. A Signed Personal Check No. 730 of Yubran S. Mesle, 615 F.3d 1085, 1091 (9th Cir. 2010)

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