

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PRECEDENTIAL VALUE	unpublished district court order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)

OPINION

Bizarre Academia, LLC v. Wolf

PER CURIAM.

1 2 3

4 UNITED STATES DISTRICT COURT

5 NORTHERN DISTRICT OF CALIFORNIA

6 7 BIZARRE ACADEMIA, LLC, Case No. 24-cv-03058-HSG 8 Plaintiff, ORDER GRANTING
MOTION TO SET

ASIDE DEFAULT

9 v. Re: Dkt. No. 28

10 NOAH WOLF,

11 Defendant. 12

13 Plaintiff Bizarre Academia, LLC, filed its complaint against Defendant Noah Wolf in June 14
2024. Dkt. No. 1. In October 2024, Plaintiffs completed international service of the complaint via
15 the Hague Convention on Defendant at his address in Germany. See Dkt. No. 22. After 16
Defendant failed to respond by the deadline, Plaintiff requested entry of default on February 21, 17
2025. Dkt. No. 25. The Clerk entered default as to Defendant on February 27, 2025. Dkt. No. 26.
18 The next day, February 28, 2025, the Court received Defendant's answer to the complaint,
which 19 Defendant had sent via mail on February 25, 2025, two days before the entry of default.
See Dkt

20 No. 27-1 at 1.

21 Defendant now moves to set aside the entry of default. Dkt. No. 28. Defendant maintains 22
that he had taken steps to respond to the complaint prior to default being entered against him, 23
including mailing his answer prior to the entry of default and notifying Plaintiff's counsel of his 24
efforts. See *id.* at 1. Further, Defendant argues that he has a meritorious defense, and that setting
25 aside default would not prejudice Plaintiff given the early stage of the case, and that Plaintiff
has 26 not filed a motion for default judgment. See *id.* at 2. After the Court directed Plaintiff to
respond, 27 Plaintiff filed a statement confirming that it "seeks to find resolution of the case on its
merits" and 1 The Court has discretion to set aside a default or a default judgment. See Fed. R.
Civ. P. 2 55(c), 60(b); *Brandt v. Am. Bankers Ins. of Florida*, 653 F.3d 1108, 1111-12 (9th Cir.
2011). 3 || Under Rule 55(c), a court may set aside an entry of default for "good cause." See
United States v. A Signed Personal Check No. 730 of Yubran S. Mesle, 615 F.3d 1085, 1091 (9th
Cir. 2010). 5 Considering Defendant's efforts to respond to the complaint prior to the entry of
default, and 6 || given that Plaintiff does not oppose Defendant's showing of good cause, the Court
GRANTS 7 Defendant's motion to set aside default, Dkt. No. 28. Defendant's answer, Dkt. No.
27, shall be 8 deemed properly filed and entered into the record. 9 The Court also SETS a case
management conference on April 15, 2025, at 2:00 p.m. The 10 hearing will be held by Public
Zoom Webinar. All counsel, members of the public, and media 11 may access the webinar
information at <https://www.cand.uscourts.gov/hsg>. All attorneys and pro q 12 se litigants appearing
for the case management conference are required to join at least 15 minutes 5 13 before the
hearing to check in with the courtroom deputy and test internet, video, and audio S 14 ||
capabilities. The Court further DIRECTS the parties to submit a joint case management 3 15
statement by April 8, 2025, or to submit separate statements by the deadline if the parties are not
16 able to file one jointly. See Civil L-R 16-9(a). The parties should be prepared to discuss how to
5 17 move this case forward expeditiously. 5 18 IT IS SO ORDERED. 19 || Dated: 3/25/2025

20 Alepwrrd 5 Mbl_).

HAYWOOD S. GILLIAM, JR. 21 United States District Judge 22 23 24 25 26 27 28

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