

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF
OKLAHOMA

**Samantha L. Wertman v. Transcor America, LLC, a wholly owned
subsidiary of CoreCivic, Inc.**

Wertman · No. CIV-25-962-D · Decided February 9, 2026

SUMMARY

The United States District Court for the Western District of Oklahoma grants Defendant Transcor America, LLC’s unopposed motion to set aside the Clerk’s entry of default under Federal Rule of Civil Procedure 55(c). The Court also grants Defendant leave to file its original answer and requires the answer and a corporate disclosure statement to be filed by February 13, 2026.

CASE DETAILS

COURT	United States District Court for the Western District of Oklahoma
WRITING FOR THE COURT	Timothy D. DeGiusti
JURISDICTION	United States District Court for the Western District of Oklahoma
DECIDED	February 9, 2026
DOCKET	CIV-25-962-D
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 55(c) to set aside the Clerk's Entry of Default and separately sought leave to file an original answer. Both motions were unopposed.
STANDARD OF REVIEW	Under Federal Rule of Civil Procedure 55(c), an entry of default may be set aside for good cause. The court considers factors including whether the default was willful, whether setting it aside would prejudice the opposing party, and whether the defendant presents a meritorious defense, while recognizing that those factors are not talismanic and that courts generally disfavor default judgments.
PRECEDENTIAL VALUE	nonprecedential

TOPICS

[default](#) [default judgment](#) [civil procedure](#) [pleadings](#)

PRACTICE AREAS

civil procedure

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 Defendant should be granted leave to file its original answer.

HOLDINGS

1. The Clerk's Entry of Default should be set aside because good cause exists: the default did not appear willful or undertaken in bad faith, setting it aside would not cause the type of prejudice contemplated by Rule 55(c), and Defendant's proposed answer reflects a potentially meritorious defense.
2. Defendant's unopposed motion for leave to file its original answer should be granted, and Defendant was ordered to file the proposed answer by February 13, 2026.

KEY QUOTATIONS

"An entry of default may be set aside for good cause." (Order)

"These factors are not 'talismanic,' and the Court does not have to consider them all and may consider others." (Order)

"Considering these factors and the Court's general disfavor of default judgments, the Court finds that vacating the Clerk's Entry of Default is appropriate." (Order)

"There is no prejudice to the plaintiff where the setting aside of the default has done no harm to plaintiff except to require [her] to prove [her] case." (Order)

FACTUAL BACKGROUND

Defendant failed to answer Plaintiff's Complaint within the required time, resulting in the Clerk's Entry of Default on December 24, 2025. Defendant then filed an unopposed motion to set aside the entry of default and submitted a proposed answer alleging factual circumstances that, if true, would constitute a defense. The Court found no indication that Defendant's failure was willful or in bad faith and determined that Plaintiff would not suffer prejudice cognizable under Rule 55(c).

PROCEDURAL HISTORY

The Clerk entered default against Defendant on December 24, 2025, after Defendant failed to answer timely. Defendant moved to set aside the entry of default and sought leave to file its proposed answer. The District Court granted both motions, vacated the entry of default, and ordered Defendant to file its answer and a corporate disclosure statement by February 13, 2026.

DISPOSITION

other

CASES CITED

- Pinson v. Equifax Credit Information Services, Inc., 316 F. App'x 744, 750 (10th Cir. 2009)
- Hunt v. Ford Motor Co., 65 F.3d 178, 178 (10th Cir. 1995)
- SecurityNational Mortgage Co. v. Head, No. 13-cv-03020-PAB-BNB, 2014 WL 4627483, at *3 (D. Colo. Sept. 15, 2014)

OPINION

Wertman

PER CURIAM.

IN THE UNITED STATES DISTRICT COURT

FOR THE WESTERN DISTRICT OF OKLAHOMA

SAMANTHA L. WERTMAN,)

) Plaintiff,)) v.) Case No. CIV-25-962-D) TRANSCOR AMERICA, LLC, a wholly) owned
subsidiary of CORECIVIC, INC.,)) Defendant.)

ORDER

Before the Court is Defendant's Unopposed Motion to Set Aside Entry of Default [Doc. No. 9], requesting that the Court set aside the Clerk's Entry of Default [Doc. No. 7], entered on December 24, 2025. Also before the Court is Defendant's Motion for Leave to File Original Answer [Doc. No. 10], which Defendant has marked as unopposed in the ECF docket entry. An entry of default may be set aside for good cause. FED. R. CIV. P. 55(c). A court may consider, among other factors, "whether the default was willful, whether setting it aside would prejudice the adversary, and whether a meritorious defense is presented." Pinson v. Equifax Credit Info. Servs., Inc., 316 F. App'x 744, 750 (10th Cir. 2009) (citation omitted). "These factors are not 'talismanic,'" and the Court does not have to consider them all and may consider others. Hunt v. Ford Motor Co., 65 F.3d 178, 178 (10th Cir. 1995). Considering these factors and the Court's general disfavor of default judgments, the Court finds that vacating the Clerk's Entry of Default is appropriate. Nothing in the record indicates that Defendant's failure to answer timely was willful or in bad faith. Further, Plaintiff will not be prejudiced, at least not in the manner contemplated by Rule 55(c). See SecurityNational Mortg. Co. v. Head, No. 13—cv-03020-PAB—BNB, 2014 WL 4627483, at *3 (D. Colo. Sept. 15, 2014) ("There is no prejudice to the plaintiff where the setting aside of the default has done no harm to plaintiff except to require [her] to prove [her] case.") (internal quotation marks omitted). Finally, Defendant's proposed Answer [Doc. No. 9-3] reflects that Defendant has alleged "factual circumstances surrounding the dispute, [that], if true, would constitute a defense to the action." /d. (citation omitted).! IT IS THEREFORE ORDERED that Defendant's Unopposed Motion to Set Aside Entry of Default [Doc. No. 9] is GRANTED. The

Clerk's Entry of Default [Doc. No. 7] against Defendant is VACATED. IT IS FURTHER ORDERED that Defendant's unopposed Motion for Leave to File Original Answer [Doc. No. 10] is GRANTED. Defendant shall file its proposed Answer to Plaintiff's Complaint [Doc. No. 1] on or before February 13, 2026. Defendant shall also file a Corporate Disclosure Statement by the same deadline. See LCvR7.1.1. IT IS SO ORDERED this 9th day of February, 2026. \ ° —~ oN < Nd Ost

TIMOTHY D. DeGIUSTI

Chief United States District Judge ' Of course, the fact that Defendant's motion to set aside is unopposed by Plaintiff factors heavily into the Court's determination.