

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Renelle Hernandez v. Cajun Bourbon, LLC

Hernandez · No. 25-2015 · Decided March 13, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana grants Cajun Bourbon, LLC’s motion to set aside entry of default under Federal Rule of Civil Procedure 55(c). The court finds that the default was not willful, that plaintiff would not be prejudiced, and that the case should proceed on the merits; plaintiff’s motion for default judgment is denied as moot, and defendant is ordered to file responsive pleadings by March 27, 2026.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
WRITING FOR THE COURT	Janis van Meerveld
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	March 13, 2026
DOCKET	25-2015
DISPOSITION	other
PROCEDURAL POSTURE	Defendant moved under Federal Rule of Civil Procedure 55(c) to set aside an entry of default. Plaintiff opposed and separately moved for default judgment. The district court granted the motion to set aside default and denied the motion for default judgment as moot.
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 whether the default was willful, whether setting it aside would prejudice the adversary, and whether the defendant presents a meritorious defense. The standard is less rigorous than the standard for setting aside a judgment for excusable neglect.
PRECEDENTIAL VALUE	Unpublished district court order; generally nonprecedential.

TOPICS

default

default judgment

service of process

civil procedure

PRACTICE AREAS

civil procedure

employment law

civil rights

QUESTIONS PRESENTED

1. Whether Cajun Bourbon showed good cause under Federal Rule of Civil Procedure 55(c) to set aside the entry of default.
2. Whether setting aside the entry of default would prejudice Hernandez.
3. Whether Hernandez's motion for default judgment should be granted after the entry of default was set aside.

HOLDINGS

1. The entry of default must be set aside because Cajun Bourbon established good cause: its failure to defend was not willful, Hernandez would not be prejudiced, and the case should proceed on the merits.
2. The motion for default judgment was denied because setting aside the entry of default rendered the motion moot.

KEY QUOTATIONS

“The court may set aside an entry of default for good cause, and it may set aside a final default judgment under Rule 60(b).”

“In determining whether to set aside a default decree, the district court should consider whether the default was willful, whether setting it aside would prejudice the adversary, and whether a meritorious defense is presented.”

“And, it should be remembered, that the Fifth Circuit has “adopted a policy in favor of resolving cases on their merits and against the use of default judgments.””

FACTUAL BACKGROUND

Hernandez sued her former employer, Cajun Bourbon, alleging sexual harassment and discrimination. After repeated unsuccessful attempts to serve Cajun Bourbon's registered agents, the court authorized substituted service on an employee of Olde N'Awlins Cookery Restaurant, which Cajun Bourbon operated. A process server left the summons and complaint with a person identified as a manager, but Cajun Bourbon did not answer by the deadline and default was entered. Cajun Bourbon's president stated that the company did not learn of the suit until February 6, 2026, after which it promptly appeared through counsel.

PROCEDURAL HISTORY

Hernandez filed suit alleging sexual harassment and discrimination against Cajun Bourbon. After unsuccessful attempts to serve the registered agents, the court authorized substituted service on an employee of the restaurant operated by Cajun Bourbon. No answer was filed by the deadline, and the court entered default on February 3, 2026. Cajun Bourbon appeared on February 12, 2026, moved to set aside the default, and Hernandez later moved for default judgment.

DISPOSITION

other

REMAND INSTRUCTIONS

Cajun Bourbon was ordered to file its responsive pleadings no later than March 27, 2026.

CASES CITED

- United States v. One Parcel of Real Prop., 763 F.2d 181, 183 (5th Cir. 1985)
- Rogers v. Hartford Life & Acc. Ins. Co., 167 F.3d 933, 936 (5th Cir. 1999)

OPINION

UNITED STATES DISTRICT COURT EASTERN DISTRICT OF LOUISIANA RENELLE HERNANDEZ * CIVIL ACTION NO. 25-2015 * * VERSUS * DIVISION: 1 * * CAJUN BOURBON, LLC * MAGISTRATE JUDGE * JANIS VAN MEERVELD
***** * ORDER AND REASONS Before the Court is defendant's Motion to Set Aside Entry of Default (Rec. Doc. 13).

For the reasons that follow, the Court finds good cause to set aside default. Accordingly, Cajun Bourbon's Motion to Set Aside Default (Rec. Doc. 13) is GRANTED. This ruling renders plaintiff's Motion for Default Judgment moot and it is therefore further ordered that the Motion for Default Judgment (Rec. Doc. 15) is DENIED. Cajun Bourbon shall file its responsive pleadings no later than March 27, 2026.

Background Plaintiff Renelle Hernandez filed this lawsuit on September 26, 2025, alleging sexual harassment and discrimination claims against her former employer, defendant Cajun Bourbon, L.L.C. Rec. Doc. 1. On November 25, 2025, Ms. Hernandez filed a Motion for Substituted Service. Rec. Doc. 6. She reported that she had hired a process server, who had made multiple attempts to serve Cajun Bourbon at the address of its two registered agents.

Id. at 1-2. The Sworn Declaration of the process server showed eight attempts on different days and at different times over a period of three weeks. Id. at 3. The process server also declared that during each attempt, a vehicle was observed in the carport in the rear of the driveway and that during the evening attempts, lighting was observed in the rear of the house.

Id. Ms. Hernandez represented that defendant Cajun Bourbon owns and operates Olde N'Awlins Cookery Restaurant at 205 Bourbon Street, New Orleans, LA 70130. Id. at 1. The Court granted Ms. Hernandez's motion and ordered that "service of the summons and complaint shall be served on Defendant, Cajun Bourbon, LLC, by personally serving the summons and complaint on any employee of a suitable age of Olde N'Awlins Cookery Restaurant located at 205 Bourbon Street, New Orleans, LA 70130." Rec.

Doc. 7. As reflected in the executed Proof of Service Declaration, Ms. Hernandez effected service when the process server left the Summons and Complaint with the “black female behind the bar who admitted to being a manager” of the Old N’Awlins Cookery. Rec. Doc. 9. Cajun Bourbon’s Answer was due December 26, 2025. No Answer was filed.

On Ms. Hernandez’s motion, the Court entered default on February 3, 2026. On February 12, 2026, Cajun Bourbon appeared and filed the present Motion to Set Aside Entry of Default. Rec. Doc. 13. It argues leaving the Summons and Complaint with an employee was improper service and that its registered agent Wassek Badr should have been served. It submits the Affidavit of its President Morton Bader, who avers that Cajun Bourbon did not learn of this lawsuit until February 6, 2026, when Wassek Badr received copies of the Motion for Entry of Default, Declaration in Support, and Entry of Default sent to his residence by counsel for Ms. Hernandez, and which he then delivered to Morton Bader.

Rec. Doc. 13-4. Morton Bader further avers that the Olde N’awlins cookery had no black female manager working behind the bar on December 4, 2026, who was authorized to receive legal documents or service of process and/or act as agent of Cajun Bourbon. Id. He asserts that no person fitting that description turned in any papers or documents to any manager at the restaurant.

Id. Morton Bader adds that Richard McCormack represented Cajun Bourbon in the defense of the charge of discrimination Ms. Hernandez filed with the Equal Employment Opportunity Commission through her counsel. Id. He seems to complain that Mr. McCormack received no communication from counsel for Ms. Hernandez after counsel requested the EEOC discontinue the investigation and issue a Notice of Right to Sue.

Id. Ms. Hernandez opposes setting aside default. She submits that she made several attempts to serve Cajun Bourbon’s registered agent, and she points out that the Court granted her motion to substitute service. As a result of the Court’s order, she insists, any employee of Olde N’Awlins Cookery of suitable age was appointed by law and, therefore, authorized to accept service by Federal Rule of Civil procedure 4(h)(1).

She submits that default should not be set aside because Cajun Bourbon did not appear until over two months after being served. She adds that Cajun Bourbon’s attorney is ineligible to practice law with the Louisiana State Bar Association. Meanwhile, on March 2, 2026, Ms. Hernandez filed a Motion for Default Judgment. Rec. Doc. 15. That motion has not yet been set for hearing.

Law and Analysis 1. Standard for Setting Aside Default “The court may set aside an entry of default for good cause, and it may set aside a final default judgment under Rule 60(b).” Fed. R. Civ. P. 55(c). “In determining whether to set aside a default decree, the district court should consider whether the default was willful, whether setting it aside would prejudice the adversary,

and whether a meritorious defense is presented.” *United States v. One Parcel of Real Prop.*, 763 F.2d 181, 183 (5th Cir.

1985). “[T]he standard for setting aside a default decree is less rigorous than setting aside a judgment for excusable neglect.” *Id.* And, it should be remembered, that the Fifth Circuit has “adopted a policy in favor of resolving cases on their merits and against the use of default judgments.” *Rogers v. Hartford Life & Acc. Ins. Co.*, 167 F.3d 933, 936 (5th Cir.

1999). 2. Analysis Here, final judgment has not yet been entered, so Cajun Bourbon must show good cause to set aside default. First, the Court cannot find that Cajun Bourbon’s default was willful. Although the evidence suggests that Cajun Bourbon’s registered agent may have been evading service by not answering the door, it is also possible that no one was home at the time or that he did not hear the knock.

Importantly, in his Declaration, Cajun Bourbon’s president swears that he did not receive notice of the lawsuit until he received a copy of the Motion for Entry of Default on February 6, 2026. Cajun Bourbon promptly made an appearance through counsel¹ on February 12, 2026.

The Court finds that Cajun Bourbon’s failure to defend the case was not willful. Neither party addresses whether Ms. Hernandez would be prejudiced or whether Cajun Bourbon will present a meritorious defense. It is less than six months since Ms. Hernandez filed suit.

The Court finds she will not be prejudiced if default is set aside and the case proceeds on the merits. Although the Court has no information about Cajun Bourbon’s defense to Ms. Hernandez’s claims, under the circumstances, the Court finds it appropriate for this case to proceed on the merits. All factors weigh in favor of finding good cause to set aside default.

Conclusion Because the Court finds Cajun Bourbon’s default was not willful, that Ms. Hernandez will not be prejudiced by the setting aside of default, and that it would be preferable for this case to be resolved on the merits of Ms. Hernandez’s claims and Cajun Bourbon’s defenses, the Court finds good cause to set aside default.

Accordingly, Cajun Bourbon’s Motion to Set Aside Default (Rec. 1 Ms. Hernandez reports that Cajun Bourbon’s attorney is ineligible to practice law with the Louisiana State Bar Association. Indeed, the Louisiana State Bar Association website lists attorney Richard McCormack as ineligible for noncompliance with Trust Account Registration requirements. See <https://www.lsba.org/MD321654/MembershipDirectory.aspx> (last accessed Mar.

9, 2026, at 1:56 p.m.). However, Mr. McCormack is presently eligible to practice in the Eastern District of Louisiana. Doc. 13) is GRANTED. This ruling renders Ms. Hernandez’s Motion for Default Judgment moot, and it is therefore further ordered that the Motion for Default Judgment

(Rec. Doc. 15) is DENIED. Cajun Bourbon shall file its responsive pleadings no later than March 27, 2026.

New Orleans, Louisiana, this 13th day of March, 2026. Janis van Meerveld United States Magistrate Judge

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