

UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF
INDIANA

Aaron Rigsby v. All Seasons Restoration, LLC

Rigsby · No. 4:24-CV-23-PPS-AZ · Decided April 29, 2026

SUMMARY

The court adopts the magistrate judge’s recommendation to vacate the clerk’s entry of default against All Seasons Restoration, LLC. The court finds good cause based on the defendant’s subsequent answer, the parties’ participation in case management and discovery, and their commitment to resolving the case on the merits; no timely objection was filed.

CASE DETAILS

COURT	United States District Court for the Northern District of Indiana
WRITING FOR THE COURT	Philip P. Simon
JURISDICTION	United States District Court for the Northern District of Indiana
DECIDED	April 29, 2026
DOCKET	4:24-CV-23-PPS-AZ
DISPOSITION	vacated
PROCEDURAL POSTURE	The district court reviewed a magistrate judge's report and recommendation that the clerk's entry of default against Defendant be set aside. No party filed a timely objection.
STANDARD OF REVIEW	The district court reviewed the magistrate judge's report and recommendation in the absence of timely objections and adopted it in its entirety.
PRECEDENTIAL VALUE	Unpublished district court order

TOPICS

- default
- civil procedure

PRACTICE AREAS

- civil procedure
- default practice

QUESTIONS PRESENTED

1. Whether the entry of default against All Seasons Restoration, LLC should be vacated for good cause.

HOLDINGS

1. The entry of default against All Seasons Restoration, LLC was vacated because the magistrate judge found good cause and no party timely objected to the recommendation.

FACTUAL BACKGROUND

A clerk's entry of default was entered against All Seasons Restoration, LLC. Before a default judgment was entered, the defendant filed an answer, the parties appeared for a Rule 16 preliminary conference, expressed their intent to resolve the case on the merits, set litigation deadlines, and began discovery. The case was also scheduled for a judicial settlement conference.

PROCEDURAL HISTORY

The clerk entered default against All Seasons Restoration, LLC on August 9, 2024. Before default judgment was entered, Defendant filed an answer, the parties participated in a Rule 16 preliminary conference, agreed to proceed on the merits, established deadlines, and commenced discovery. Magistrate Judge Abizer Zanzi recommended vacating the entry of default for good cause, and the district court adopted that recommendation without objection.

DISPOSITION

vacated

CASES CITED

- Willis v. Caterpillar, Inc., 199 F.3d 902, 904 (7th Cir. 1999)
- Hunger v. Leininger, 15 F.3d 664, 668 (7th Cir. 1994)
- The Provident Bank v. Manor Steel Corp., 882 F.2d 258, 260-61 (7th Cir. 1989)

OPINION

UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF INDIANA HAMMOND
DIVISION AT LAFAYETTE AARON RIGSBY,)) Plaintiff,)) vs.) CAUSE NO. 4:24-CV-23-
PPS-AZ) ALL SEASONS RESTORATION, LLC,)) Defendant.) ORDER On April 9, 2026,
Magistrate Judge Abizer Zanzi sua sponte recommended that the district court vacate the entry of
default as to Defendant All Seasons Restoration, LLC. [DE 25, 9.]

Judge Zanzi recognized that on August 9, 2024, a clerk's entry of default was granted against All Seasons Restoration, LLC. [DE 9.] However, before a default judgment was granted, the defendant filed an answer, the parties then appeared for a Rule 16 preliminary conference and indicated their intent to cooperate and proceed through resolving the case on the merits, and deadlines were set and discovery commenced.

[DE 25 at 1.] The case is now set for a judicial settlement conference on June 10, 2026. [DE 23.] Judge Zanzi went through the test that a moving party must establish to set aside a default and decided that because the parties are fully committed to resolving the case, there was good cause to set aside the entry of default. [DE 25 at 1-2.]

Therefore, he recommended that this Court vacate the entry of default. [Id. at 2.] Judge Zanzi also warned the parties that failure to file a timely objection would District Court or Court of Appeals. *Willis v. Caterpillar, Inc.*, 199 F.3d 902, 904 (7th Cir. 1999); *Hunger v. Leininger*, 15 F.3d 664, 668 (7th Cir. 1994); *The Provident Bank v. Manor Steel Corp.*, 882 F.2d 258, 260-61 (7th Cir.

1989). To date, no party has filed a timely objection. ACCORDINGLY: Having reviewed Magistrate Judge Zanzi's report and recommendations to which no objection has been filed, the Court hereby ADOPTS the report and recommendations [DE 25] in their entirety.

The entry of default against Defendant All Seasons Restoration, LLC [DE 9] is HEREBY VACATED. ENTERED: April 29, 2026. s/ Philip P. Simon PHILIP P. SIMON, JUDGE UNITED STATES DISTRICT COURT