

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

OPINION

Rigsby

PER CURIAM.

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

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