

UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF  
WASHINGTON

Robert Lee Hayes v. Commissioner of Social Security et al.

Hayes · No. 3:25-cv-05773-DGE · Decided February 2, 2026

SUMMARY

The United States District Court for the Western District of Washington grants Defendants’ motion to set aside the entry of default under Federal Rule of Civil Procedure 55(c). The Court finds that Defendants were not properly served, raised a meritorious defense because the United States is the proper defendant in an FTCA action, and would not prejudice Plaintiff by obtaining relief. The Court dismisses the Commissioner of Social Security, Susan Reynolds, and John Doe Reynolds with prejudice, leaves the United States as the sole defendant, and extends the deadline for service on the United States.

CASE DETAILS

|                       |                                                                                                                                                                                                                                                                                                                                        |
|-----------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| COURT                 | United States District Court for the Western District of Washington                                                                                                                                                                                                                                                                    |
| WRITING FOR THE COURT | David G. Estudillo                                                                                                                                                                                                                                                                                                                     |
| JURISDICTION          | United States District Court for the Western District of Washington                                                                                                                                                                                                                                                                    |
| DECIDED               | February 2, 2026                                                                                                                                                                                                                                                                                                                       |
| DOCKET                | 3:25-cv-05773-DGE                                                                                                                                                                                                                                                                                                                      |
| DISPOSITION           | other                                                                                                                                                                                                                                                                                                                                  |
| PROCEDURAL POSTURE    | Defendants moved under Federal Rule of Civil Procedure 60(b)(4) to vacate the Clerk's entry of default. The court construed the motion as one under Rule 55(c), granted it, dismissed the improperly named defendants with prejudice, and allowed Plaintiff additional time to serve the United States.                                |
| STANDARD OF REVIEW    | The court applied the good-cause standard under Federal Rule of Civil Procedure 55(c), considering culpable conduct, the existence of a meritorious defense, and prejudice to the plaintiff. The court exercised especially broad discretion because the order being set aside was an entry of default rather than a default judgment. |
| PRECEDENTIAL VALUE    | unpublished district court order                                                                                                                                                                                                                                                                                                       |
|                       |                                                                                                                                                                                                                                                                                                                                        |

## PARTIES

Commissioner of Social Security, Susan Reynolds, John Doe Reynolds  
v. Robert Lee Hayes

## TOPICS

default service of process civil procedure administrative law

## PRACTICE AREAS

civil procedure administrative law Federal Tort Claims Act

## QUESTIONS PRESENTED

1. Whether the entry of default should be set aside under Federal Rule of Civil Procedure 55(c).
2. Whether Defendants engaged in culpable conduct that caused the default.
3. Whether Defendants presented a meritorious defense.
4. Whether setting aside the entry of default would prejudice Plaintiff.
5. Whether the Commissioner of Social Security and the individual defendants were proper parties to an FTCA action.

## HOLDINGS

1. The entry of default must be set aside because Defendants established good cause under Rule 55(c).
2. Defendants did not engage in culpable conduct because they were not properly served and therefore lacked notice of the lawsuit.
3. Defendants presented a meritorious defense because the FTCA permits suit only against the United States, not against a federal agency or individual federal employees in their individual capacities.
4. Setting aside the entry of default would not prejudice Plaintiff within the meaning of Rule 55(c).
5. The Commissioner of Social Security, Susan Reynolds, and John Doe Reynolds were not proper defendants and were dismissed with prejudice, leaving the United States as the sole defendant.

## KEY QUOTATIONS

*“Because “a case should, whenever possible, be decided on the merits,” Mesle, 615 F.3d at 1091 (citation omitted), “[w]here timely relief is sought from a default . . . and the movant has a meritorious defense, doubt, if any, should be resolved in favor of” setting aside the default.” (at 2)*

*“The Court recognizes that the United States is the only proper defendant in this matter moving forward.” (at 5)*

## FACTUAL BACKGROUND

Hayes filed an action under the Federal Tort Claims Act against the Commissioner of Social Security, Social Security employee Susan Reynolds, and John Doe Reynolds. The proofs of service showed service at locations

associated with the Commissioner but did not show service on either Reynolds, the United States, or the United States Attorney as required for service involving a federal agency. The Clerk entered default after Hayes moved for default, and Defendants later appeared and challenged the default. The court also determined that the United States was the only proper defendant in the FTCA action.

PROCEDURAL HISTORY

Plaintiff filed an FTCA action on September 3, 2025. After proofs of service were filed, Plaintiff moved for default, and the Clerk entered default against Defendants on January 5, 2026. Defendants appeared and moved to set aside the entry of default; Plaintiff subsequently filed an amended complaint adding the United States. The court granted relief from default and dismissed the Commissioner of Social Security, Susan Reynolds, and John Doe Reynolds, leaving the United States as the sole defendant.

DISPOSITION

other

REMAND INSTRUCTIONS

The Clerk must set aside the entry of default. Plaintiff must properly serve the United States with the summons and complaint in accordance with Federal Rule of Civil Procedure 4(i) by February 16, 2026, and file proof of service. Failure to do so may result in dismissal.

CASES CITED

- United States v. Signed Personal Check No. 730 of Yubran S. Mesle, 615 F.3d 1085 (9th Cir. 2010)
- Mendoza v. Wight Vineyard Management, 783 F.2d 941 (9th Cir. 1986)
- Kennedy v. U.S. Postal Service, 145 F.3d 1077 (9th Cir. 1998)
- Lee v. Thornburg Mortgage Home Loans Inc., No. 14-cv-00602-NC, 2014 WL 1724850 (N.D. Cal. Apr. 29, 2014)
- TCI Group Life Insurance Plan v. Knoebber, 244 F.3d 691 (9th Cir. 2001)
- Egelhoff v. Egelhoff, a minor, by and through her natural parent, Breiner, et al., Egelhoff v. Egelhoff ex rel. Breiner, 532 U.S. 141 (2001)

OPINION

1 2 3 4 5 6 7 UNITED STATES DISTRICT COURT 8 WESTERN DISTRICT OF  
WASHINGTON AT TACOMA 9 10 ROBERT LEE HAYES, CASE NO. 3:25-cv-05773-DGE 11  
Plaintiff, ORDER GRANTING MOTION TO 12 v. SET ASIDE DEFAULT (DKT. NO. 12) 13  
COMMISSIONER OF SOCIAL SECURITY et al., 14 Defendants. 15 16 This matter comes  
before the Court on Defendants’ motion to set aside default.<sup>1</sup> (Dkt.

17 No. 12.) Having considered the motion, Plaintiff’s response in opposition (Dkt. No. 15), and 18  
Defendants’ rely in support (Dkt. No. 17), the Court GRANTS the motion. 19 20 21 1 Defendants’

motion, titled “Motion to Vacate Order on Motion for Default,” is brought pursuant to Federal Rule of Civil Procedure 60(b)(4), under which a court may relieve a party from a final judgment or order if “the judgment is void.” However, default judgment has not been entered in this case; only an order of default.

(See Dkt. No. 10.) As discussed below, Federal Rule of Civil Procedure 55(c) is the proper procedure for setting aside an entry of default. Because Rule 55(c) “is the same as is used to determine whether a default judgment should be set aside under Rule 60(b),” the Court will construe Defendants’ motion as requesting the Court to set aside its entry of default. On September 3, 2025, Plaintiff filed suit against the Commissioner of Social Security, Susan Reynolds—an employee for the Commission of Social Security—and Ms. Reynolds’s husband pursuant to Federal Tort Claims Act (“FTCA”), 28 U.S.C. § 2671.

(Dkt. No. 1–2.) The Clerk of Court issued a summons (Dkt. No. 6) and proof of service was filed on September 10, 2025 and September 20, 2025. (Dkt. Nos. 7, 8.) The first proof of service of the summons and complaint indicates that the summons was served on September 5, 2025, on Preethi Broossard, manager of Commissioner of Social Security, located at 2608 South 47th Street, Tacoma, Washington 98371.

(Dkt. No. 7.) The second proof of service of the summons and complaint reflects that the summons was sent by certified mail on September 4, 2025 to “Commissioner of Social Security at 6401 Security Boulevard, Baltimore, Maryland 21235.” (Dkt. No. 8.)

On December 16, 2025, Plaintiff moved for default. (Dkt. No. 9.) On January 5, 2026, the Clerk entered default against Defendants. (Dkt. No. 10.) On January 7, 2026, Defendants filed a notice of appearance and moved to set aside entry of default. (Dkt. Nos. 11, 12.)

On January 8, 2026, Plaintiff filed an amended complaint, adding the United States of America as a defendant. (Dkt. No. 14.) II LEGAL STANDARD Federal Rule of Civil Procedure 55(c) permits a court to set aside an entry of default for good cause. Courts consider three factors to determine good cause: “(1) whether the party seeking to set aside the default engaged in culpable conduct that led to the default; (2) whether it had no other defense to set aside the entry of default.

U.S. v. Signed Personal Check No. 730 of Yubran S. Mesle, 615 F.3d 1085, 1091 (9th Cir. 2010). On January 23, 2026, Plaintiff filed a proof of service of summons and complaint. (Dkt. No. 16.) The proof of service indicates that on January 20, 2026, a process server served “Chaz Johnson” located 2700 Lord Baltimore Drive, Windsor Mill, Maryland 21244.

(Id.) (1) meritorious defense; or (3) whether reopening the default judgment would prejudice the other party.” Mesle, 615 F.3d at 1091. A court may refuse to set aside entry of default if it finds any of these factors is present—i.e. that the defendant engaged in culpable conduct, lacks a meritorious defense, or relief would prejudice the plaintiff. Id. The court’s discretion as to

whether the moving party establishes good cause “is especially broad where, as here, it is entry 6 of default that is being set aside, rather than a default judgment.” *Mendoza v. Wight Vineyard 7 Mgmt.*, 783 F.2d 941, 945 (9th Cir.

1986). Because “a case should, whenever possible, be 8 decided on the merits,” *Mesle*, 615 F.3d at 1091 (citation omitted), “[w]here timely relief is 9 sought from a default... and the movant has a meritorious defense, doubt, if any, should be 10 resolved in favor of” setting aside the default. *Mendoza*, 783 F.2d at 945–46 (citation omitted). 11 III ANALYSIS 12 The three *Mesle* factors establish good cause to set aside the entry of default against 13 Defendants to resolve Plaintiff’s claims on the merits.

14 A. Defendants Did Not Engage in Culpable Conduct 15 “[A] defendant’s conduct is culpable if he has received actual or constructive notice of 16 the filing of the action and intentionally failed to answer.” *Mesle*, 615 F.3d at 1092. A 17 “conscious choice not to answer” a complaint is not enough; “the movant must have acted with 18 bad faith.” *Id.* 19 Here, the record indicates that no Defendant was properly served with a copy of the 20 summons and complaint.

First, neither of the two proofs of service indicate either Mr. or Mrs. 21 Reynolds were served. (See Dkt. Nos. 7, 8.) Second, to serve a United States agency, “a party 22 must serve the United States and also send a copy of the summons and of the complaint by 23 registered or certified mail to the agency.” Fed. R. Civ. Pro. 4(i)(2). There is no evidence in the 24 1 record that Plaintiff attempted to serve the United States pursuant to Federal Rule of Civil 2 Procedure 4(i)(1).

Defendants therefore did not engage in culpable conduct as they had no notice 3 of the lawsuit. 4 B. Defendants Raise a Meritorious Defense 5 “A defendant seeking to vacate a default judgment must present specific facts that would 6 constitute a defense. But the burden on a party seeking to vacate a default judgment is not 7 extraordinarily heavy.” *Mesle*, 615 F.3d at 1094 (citation omitted).

A defendant need only 8 “allege sufficient facts that, if true, would constitute a defense.” *Id.* 9 Plaintiff filed suit against Defendants pursuant to the FTCA. (Dkt. No. 1.) The United 10 States is the only proper party defendant in an FTCA action. *Kennedy v. U.S. Postal Serv.*, 145 11 F.3d 1077, 1078 (9th Cir. 1998).

Thus, Plaintiff improperly filed suit against the Commissioner 12 of Social Security and Mr. and Mrs. Reynolds. “The FTCA is the exclusive remedy for tort 13 actions against a federal agency, and this is so despite the statutory authority of any agency to 14 sue or be sued in its own name. A claim against [a federal agency] in its own name is not a 15 claim against the United States.” *Kennedy*, 145 F.3d at 1078 (citation omitted).

Defendants’ 16 argument, at minimum, establishes a “legally cognizable defense[.]” as to the sufficiency of the 17 complaint. *Lee v. Thornburg Mortg. Home Loans Inc.*, No. 14-cv-00602-NC,

2014 WL 18 1724850, at \*3 (N.D. Cal. Apr. 29, 2014). 19 C. Plaintiff Would Not Be Prejudiced by the Relief 20 Prejudice occurs when a plaintiff’s ability to pursue their claim would be hindered by 21 setting aside the entry of default.

TCI Grp. Life Ins. Plan v. Knoebber, 244 F.3d 691, 701 (9th 22 Cir. 2001), overruled on other grounds by Egelhoff v. Egelhoff ex rel. Breiner, 532 U.S. 141 23 24 1 (2001). “To be prejudicial, the setting aside of a judgment must result in greater harm than 2 simply delaying resolution of the case.” Id. 3 The Court concludes Plaintiff would not be prejudiced by setting aside the default.

4 Defendants have just recently appeared in this matter, and no answers or substantive motions 5 have been filed. There is no reason to believe the delay here would result in a “tangible harm 6 such as loss of evidence, increased difficulties of discovery, or greater opportunity for fraud or 7 collusion.” Id. 8 In sum, the three Mesle factors establish good cause to set aside the entry of default 9 against Defendants under Rule 55(c).

10 IV CONCLUSION 11 Defendants’ motion to set the entry of default (Dkt. No. 12) is GRANTED. The Clerk of 12 Court is directed to set aside the entry of default against Defendants. The Court recognizes that 13 the United States is the only proper defendant in this matter moving forward. Consequently, the 14 Court DIMISSES with prejudice Defendants Commissioner of Social Security, Susan Reynolds, 15 and John Doe Reynolds, leaving the United States as the sole defendant in this action.

16 Because Plaintiff’s attempted service on Defendants did not include service on the United 17 States, Plaintiff must still properly serve the United States for this action to continue. The Court 18 will provide him with additional time to complete this requirement. Plaintiff will have until 19 February 16, 2026, to serve the United States with the summons and his complaint in 20 accordance with the requirements of Rule 4(i) of the Federal Rules of Civil Procedure.

Plaintiff 21 will then need to file a proof of service with the Court demonstrating the United States was 22 served. Failure to properly serve the United States by that date may result in dismissal of the 23 case. 24 1 Dated this 2nd day of February, 2026. 2 A 3 David G. Estudillo 4 United States District Judge 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24