

UNITED STATES DISTRICT COURT
DISTRICT OF CONNECTICUT

Success Village Apartments, Inc. :
v. :
Amalgamated Local 376, International Union United Automobile Aerospace and Agricultural Implement Workers of America, UAW :
: No. 3:03cv1784 (JBA)

Ruling on Motion for Reconsideration [Doc. # 20]

Plaintiff Success Village Apartments, Inc. moves for reconsideration of this Court's October 14, 2004 order denying plaintiff's motion for default judgment and granting defendant's motion to set aside default. The motion is denied, as defendant established good cause under Fed. R. Civ. P. 55(c) for setting aside the default. "[T]hree criteria that must be assessed in order to decide whether to relieve a party from default or from a default judgment. These widely accepted factors are: (1) whether the default was willful; (2) whether setting aside the default would prejudice the adversary; and (3) whether a meritorious defense is presented." Enron Oil Corp. v. Diakuhara, 10 F.3d 90, 96 (2d Cir. 1993) (citations omitted). "[B]ecause defaults are generally disfavored and are reserved for rare occasions, when doubt exists as to whether a default should be granted or vacated, the doubt should be resolved in favor of the defaulting party." Id.

The Court concludes that defendant's default was not willful, for the reasons set forth in the defense counsel's affidavit of counsel [Doc. # 16]; that there has been no showing that setting aside the default has prejudiced plaintiff, particularly given the strong interests in resolving the merits of disputes; and that defendant has a meritorious defense, as set forth the accompanying ruling issued on this date. Accordingly, the Court declines to reconsider its earlier decision.

IT IS SO ORDERED.

/s/

Janet Bond Arterton, U.S.D.J.

Dated at New Haven, Connecticut, this 29th day of July, 2005.