INITED AMARIA DIAMBIAM AAIIDM

2	DISTRICT OF PUERTO RICO	
3 4	ATLANTIC CITY COIN & SLOT SERVICE COMPANY, INC.,	
5	Plaintiff,	Civil No. 07-1697 (JAF)
6	V.	
7 8 9	PULSAR PUERTO RICO, INC., D/B/A DIAMOND PALACE HOTEL AND CASINO,	
10	Defendant.	

11 ORDER

Defendant, Pulsar Puerto Rico, Inc., moves for relief from our September 26, 2007 default judgment, in which we ordered Defendant to pay Plaintiff, Atlantic City Coin & Slot Company, Inc., \$448,506.28, plus interest, and ordered the immediate seizure of Plaintiff's slot machines from Defendant's possession. <u>Docket No. 33</u>. Plaintiff opposes. <u>Docket No. 34</u>.

Federal Rule of Civil Procedure 55(c) states that "the court may set aside an entry of default for good cause, and it may set aside a default judgment under Rule 60(b)." Rule 60(b) permits the court to relieve a party from a final judgment for, inter alia, "mistake, inadvertence, surprise, or excusable neglect." FED R. CIV. P. 60(b).

Defendant argues that its delay was not willful, that it took prompt action to correct the default, that it had meritorious defenses to the judgment, and that plaintiff was not prejudiced by the delay. <u>Docket No. 33</u>. However, Defendant does not present any facts to support its claim that its delay was unintentional or that

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it attempted to correct the default. <u>See id.</u> Moreover, Defendant offers no facts or argument as to the merits of the underlying case. <u>See id.</u>; <u>cf. Key Bank of Me. v. Tablecloth Textile Co.</u>, 74 F.3d 349, 354-55 (1st Cir. 1996) (vacating default judgment where defendants presented "strong evidence" disputing figures on which default judgment was based). Therefore, we find that Defendant has not presented good cause to vacate the default judgment.

In accordance with the foregoing, we hereby **DENY** Defendant's motion for relief from judgment, <u>Docket No. 33</u>.

## IT IS SO ORDERED.

San Juan, Puerto Rico, this 22<sup>nd</sup> day of August, 2008.

12 S/José Antonio Fusté 13 JOSE ANTONIO FUSTE 14 Chief U.S. District Judge