

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
ORLANDO DIVISION**

JOAN JARA; AMANDA JARA TURNER;  
and MANUELA BUNSTER,

Plaintiffs,

v.

Case No. 6:13-cv-1426-Orl-37GJK

PEDRO PABLO BARRIENTOS NUNEZ,

Defendant.

---

**ORDER**

This cause is before the Court on the following:

1. Defendant Pedro Barrientos' Motion to Set Aside Default Judgment (Doc. 73), filed January 30, 2015; and
2. Plaintiffs' Statement of Non-Opposition to Defendant's Motion to Vacate Judgment (Doc. 77), filed February 17, 2015.

Upon consideration, the Court finds that Defendant's Motion (Doc. 73) is due to be granted.

On November 20, 2014, the Court granted Plaintiff's motion for default judgment as to the Torture Victim Protection Act of 1991 claims in Counts I and II of the Second Amended Complaint. (See Doc. 71.) On January 27, 2015, Defendant appeared (see Doc. 72) and he now moves the Court to set aside the default judgment, arguing that "he has strong meritorious defenses . . . [.] Plaintiff's case is based on the fraudulent testimony and misrepresentations of key 'eyewitness[es]' . . . and [his] neglect in failing to respond to this lawsuit is excusable given the circumstances" (Doc. 73). Plaintiffs vigorously contest the factual assertions in the Defendant's papers, as well as the

assertion that there was “excusable neglect” or any other legal grounds which would warrant setting aside the default. Nonetheless, Plaintiff’s do not oppose the requested relief in the interest of a determination on the merits. (See Doc. 77.)

Accordingly, it is hereby **ORDERED AND ADJUDGED**:

1. Defendant Pedro Barrientos’ Motion to Set Aside Default Judgment (Doc. 73) is **GRANTED**.
2. The Court’s November 20, 2014 Order (Doc. 71) is **VACATED**.
3. On or before Monday, **March 9, 2015**, Defendant is **ORDERED** to respond to Plaintiffs’ Second Amended Complaint (Doc. 63) in accordance with Federal Rule of Civil Procedure 12.
4. The parties are **ORDERED** meet and confer no later than Tuesday, **April 21, 2015**, and file a Case Management Report no later than Thursday, **May 7, 2015**.

**DONE AND ORDERED** in Chambers in Orlando, Florida, on February 24, 2015.

  
\_\_\_\_\_  
ROY B. DALTON JR.  
United States District Judge

Copies:

Counsel of Record

