

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

)
)
CAPTAIN BARBARA CONLEY,)
)
Plaintiff,)
v.)
)
COLONEL L. AARON CHAFFINCH,) C.A. No. 04-1394-GMS
individually and in his official capacity as the)
Superintendent, Delaware State Police;)
LIEUTENANT COLONEL THOMAS F.)
MACLEISH, individually and in his official)
capacity as the Deputy Superintendent, Delaware)
State Police; DAVID B. MITCHELL, individually)
and in his official capacity as Secretary of the)
Department of Safety and Homeland Security,)
State of Delaware; and DIVISION OF STATE)
POLICE, DEPARTMENT OF SAFETY AND)
HOMELAND SECURITY, STATE OF)
DELAWARE)
)
Defendants.)

ORDER

WHEREAS, on October 27, 2004, Captain Barbara Conley (“Conley”) filed this lawsuit, alleging gender discrimination by Colonel L. Aaron Chaffinch (“Chaffinch”), David B. Mitchell (“Mitchell”), and Division of State Police, Department of Safety and Homeland Security, State of Delaware (“Delaware State Police”) (collectively, the “defendants”), in violation of the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983;

WHEREAS, on December 6, 2004, Conley filed a first amended complaint, adding Thomas F. Macleish (“Macleish”) as a defendant to the case;

WHEREAS, on January 10, 2005, Conley filed a Motion for Entry of Default (D.I. 31) pursuant to Rule 55(a) of the Federal Rules of Civil Procedure;

WHEREAS, on January 10, 2005, Conley also filed a Motion for Default Judgment Against the Defendants and for a Trial on Damages (D.I. 30) pursuant to Rule 55(b) of the Federal Rules of Civil Procedure;

WHEREAS, the motion asserts that entry of default is appropriate because, as of January 10, 2005, none of the defendants had filed an answer;

WHEREAS, on January 11, 2005, the defendants filed an answer (D.I. 33) to Conley's first amended complaint;

WHEREAS, on January 26, 2005, the defendants filed an answer brief (D.I. 34) opposing Conley's motion for entry of default; and

WHEREAS, after having considered the parties' submissions on the topic (D.I. 30, 31, 34), the court concludes that it is in the interest of justice for the court to decide this case on the merits;

IT IS HEREBY ORDERED that:

1. The plaintiff's requests for oral argument on the Motions for Entry of Default and Default Judgment (D.I. 37) are DENIED.
2. The plaintiff's Motion for Entry of Default (D.I. 31) is DENIED.
3. The plaintiff's Motion for Default Judgment Against the Defendants and for a Trial on Damages (D.I. 30) is DENIED.

Dated: February 3, 2005

Gregory M. Sleet
UNITED STATES DISTRICT JUDGE