

# MOTION TO VACATE DEFAULT JUDGMENT

COMMONWEALTH OF MASSACHUSETTS  
Wareham District Court

JPmorgan Chase Bank N.A.

*Plaintiff,*

v.

JAMES BENTING,

Defendant.

Case No. 2560CV000254

DISTRICT COURT DEPT.  
WAREHAM DIVISION  
CLERK MAGISTRATE'S OFF.  
2021 JAN - 8 P 12: 13

---

## DEFENDANT'S MOTION TO VACATE DEFAULT JUDGMENT

Defendant **James Benting**, respectfully moves this Honorable Court to vacate the default judgment entered against him on **September 11, 2025**, and in support states as follows:

---

### I. Procedural Background

1. Plaintiff **JP Morgan Chase Bank** filed this consumer debt action against Defendant alleging a credit card debt.
2. A default judgment was entered against Defendant on **September 11, 2025**.
3. Defendant did not intentionally abandon his defense — he **timely disputed the alleged debt as resulting from credit card fraud** and submitted supporting documentation in good faith.
4. Defendant only recently became fully aware of the judgment and seek relief promptly after discovery.

---

### II. Grounds for Relief

Under Massachusetts Rules of Civil Procedure, a court may set aside a default and default judgment **for good cause** and, after judgment, under Rule 60(b) for reasons including mistake, excusable neglect, newly discovered evidence, fraud, or any other reason justifying relief from the judgment.

#### A. Excusable Neglect and Mistake

1. The first part of the document is a letter from the author to the editor.

2. The second part is a list of references.

3. The third part is a list of figures.

4. The fourth part is a list of tables.

5. The fifth part is a list of appendices.

6. The sixth part is a list of acknowledgments.

7. The seventh part is a list of footnotes.

8. The eighth part is a list of references.

9. The ninth part is a list of figures.

10. The tenth part is a list of tables.

11. The eleventh part is a list of appendices.

12. The twelfth part is a list of acknowledgments.

13. The thirteenth part is a list of footnotes.

14. The fourteenth part is a list of references.

15. The fifteenth part is a list of figures.

16. The sixteenth part is a list of tables.

17. The seventeenth part is a list of appendices.

18. The eighteenth part is a list of acknowledgments.

19. The nineteenth part is a list of footnotes.

20. The twentieth part is a list of references.

Defendant's failure to respond in a manner that prevented default was due to **excusable neglect and misunderstanding of the process while disputing documented fraud** — not intentional disregard of the proceedings.

---

**B. Meritorious Defense**

Defendant has a **meritorious defense**: the alleged account and charges at issue are the result of **unauthorized credit card fraud**, which Defendant reported and documented. This defense should be considered on the merits rather than dismissed by default.

---

**C. No Prejudice to Plaintiff**

Vacating the default judgment will not unduly prejudice Plaintiff because it will simply allow Plaintiff to prove its claim in regular litigation, which is the ordinary and fair course of civil proceedings.

---

**III. Conclusion and Relief Requested**

WHEREFORE, Defendant respectfully requests that this Court:

1. **Vacate the Default Judgment** entered against Defendant on September 11, 2025;
  2. Restore the case to the Court's active docket;
  3. Allow Defendant to file a responsive pleading; and
  4. Grant any other relief the Court deems just and proper.
- 

Respectfully submitted,  
**James Benting**, Defendant, Pro Se  
107 precinct st  
Lakeville, MA 02347

Date: 1/5/26



2025 JAN - 8 P 12: 14  
STRICT COURT DEPT  
WAREHAM DIVISION  
CLERK MAGISTRATE'S OFF

**CERTIFICATE OF SERVICE**

I hereby certify that on January 5th 2026, I served a true and correct copy of this Motion to Vacate Default Judgment on counsel for Plaintiff by Mail.