# MOTION TO VACATE DEFAULT JUDGMENT

**COMMONWEALTH OF MASSACHUSETTS**
Wareham District Court

**MASSACHUSETTS EDUCATIONAL FINANCING AUTHORITY,**
Plaintiff,
v.
**JAMES BENTING,**
Defendant.

**Case No. 2560CV000215**

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## DEFENDANT'S MOTION TO VACATE DEFAULT JUDGMENT

Defendant, **James Benting**, respectfully moves this Honorable Court to vacate the default judgment entered on **September 3, 2025**, against him in the above-captioned matter. In support of this motion, Defendant states:

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## I. Background

1. On or about September 3, 2025, a default judgment was entered against Defendant in Case No. 2560CV000215 in favor of **Massachusetts Educational Financing Authority**.
2. Defendant *did not receive actual notice* of the motion hearing or any court date related to this default judgment.
3. Due to lack of notice, Defendant *had no opportunity to appear, participate, or defend* against the claims in the underlying action.
4. Defendant seeks relief promptly after learning of the judgment.



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## II. Grounds for Relief

Under Massachusetts law, a court may set aside an entry of default or a default judgment for *good cause* and pursuant to Rule 60(b) when there has been **lack of notice, excusable neglect, surprise, or other equitable grounds**.

**A. Lack of Notice / Due Process**

Defendant did not receive notice of the motion hearing that resulted in the default judgment, depriving him of the opportunity to defend his rights. Lack of notice constitutes a due process concern and is a recognized ground for vacating a judgment in Massachusetts.

**B. Excusable Neglect / Surprise**

Even if notice was allegedly mailed or served, Defendant had *no actual knowledge* of the pending hearing, and this lack of awareness constitutes excusable neglect or surprise sufficient to justify relief under Rule 60(b).

**C. Meritorious Defense (if applicable)**

If there are defenses (e.g., errors in the claim, statute of limitations issues, billing/payment challenges, lack of obligation), Defendant may set those forth in his supporting affidavit and, if appropriate, in a responsive pleading. (Attach separately if applicable.)

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## III. Relief Requested

WHEREFORE, Defendant respectfully requests that this Honorable Court:

1. **Vacate and set aside the default judgment** entered on September 3, 2025;
2. Restore the case to the Court's active docket;
3. Allow Defendant time to file an Answer or other responsive pleadings; and
4. Grant such other and further relief as this Court deems just and equitable under the circumstances.



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

**Date:** 1/5/26

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# CERTIFICATE OF SERVICE

I hereby certify that on 1/5/26, I served a true and correct copy of this Motion to Vacate Default Judgment on counsel for Plaintiff by Mail.