

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
Beckley Division**

**UNITED STATES OF AMERICA,
Plaintiff,**

v.

Civil Action No.: 5:24-CV-00456

**RYAN BAILEY and RKB, INC.
Defendant.**

**MOTION OF THE DEFENDANT, RKB, INC., TO SET ASIDE ENTRY OF DEFAULT
PURSUANT TO RULE 60 OF THE WEST VIRGINIA RULES OF CIVIL PROCEDURE**

Now comes the Defendant, RKB, Inc., by counsel, James R. Sheatsley, and moves this Honorable Court to set aside the entry of Default by the Clerk entered on the 16th day of October, 2024 pursuant to Federal Rule of Civil Procedure 60(b)(1), 60(b)(6) and 60(c).

In support thereof, the Defendant, RKB, Inc., represents as follows.

1. RKB, Inc. is a West Virginia corporation of which the sole shareholder is Codefendant, Ryan Bailey,
2. Ryan Bailey has recently, by appointed counsel, filed a similar Motion to Set Aside Entry of Default by Clerk.
3. At the time the Default was entered October 16, 2024, the Codefendant, Ryan Bailey, was in transition as between counsel all as set forth in the Motion of Ryan Bailey to Set Aside Default by Clerk. *See Docket Number 15.*
4. Inasmuch as the sole shareholder of RKB, Inc. was without counsel, he had no legal representation to advise him of the legal ramifications related to Codefendant, RKB, Inc., of which he is the sole shareholder.
5. Codefendant, RKB, Inc., respectfully represents that the Plaintiff herein is not prejudiced by entry of an Order setting aside the Default Judgment.

6. The Codefendant, RKB, Inc., respectfully represents that this Motion under Rule 60(b) of the Federal Rules of Civil Procedure has been timely made.

WHEREFORE, the Codefendant, RKB, Inc., prays that this Honorable Court set aside the Default entered October 16, 2024.

RKB, Inc.
By Counsel,

/s/ James R. Sheatsley
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CERTIFICATE OF SERVICE

I, James R. Sheatsley, counsel for the Defendant, RKB, Inc., do hereby certify that I electronically filed the foregoing MOTION OF THE DEFENDANT, RKB, INC., TO SET ASIDE ENTRY OF DEFAULT PURSUANT TO RULE 60 OF THE WEST VIRGINIA RULES OF CIVIL PROCEDURE with the U.S. District Court, Southern District of West Virginia using the CM/ECF system maintained by the Court which will notify the following person(s) via electronic mail this the 25th day of November, 2024.

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CC: Client electronically