

established by proof, except those relating to damages. *See Comdyne I, Inc. v. Corbin*, 908 F.2d 1142, 1149 (3d Cir. 1990).

D. The Court must consider three factors before entering default judgment “(i) whether the plaintiff will be prejudiced if the default is denied, (ii) whether the defendant has a meritorious defense; and (iii) whether the default was the product of defendant’s culpable conduct.” *See Eastern Electric Corp. of New Jersey v. Shoemaker Construction Co.*, 657 F. Supp. 2d 545, 551 (E.D. Pa. 2009) (citing *Spurio v. Choice Security Systems, Inc.*, 880 F. Supp. 402 (E.D. Pa. 1995)). In this matter, the Court concludes that the three factors weigh in favor of granting default judgment.

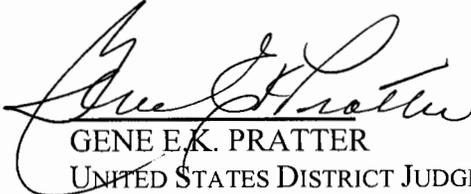
1. Wells Fargo will be prejudiced by the denial of default judgment, as it has not received payment as required under the contract.
2. Frazer Shopping Center Investors L.P. has failed to assert any defenses (much less meritorious defenses) that would bar Wells Fargo’s claims. Accordingly, the Court considers that the defendant’s lack of meritorious defense weighs in favor of granting default judgment.
3. Failure to respond to an adversary’s claims “qualifies as culpable conduct with respect to the entry of default judgment.” *Eastern Electric Corp.*, 657 F. Supp. 2d at 554. The Court concludes that the default in this matter resulted from the defendant’s failure to contest Wells Fargo’s claims, which constitutes culpable conduct. Moreover, the defense counsel advised plaintiff’s counsel that Frazer Shopping Center Investors L.P. would not be filing an answer contesting the complaint.

F. In light of the Frazer Shopping Center Investors L.P.'s failure to pay Wells Fargo in accordance with the agreement, Wells Fargo is entitled to the following:

1. \$7,703,604.45 for the balance of the mortgage foreclosure as of November 11, 2017.
2. \$2,266.30 per diem for each day since November 11, 2017.

The Clerk of Court shall mark this case **CLOSED** for all purposes, including statistics.

BY THE COURT:



GENE E.K. PRATTER
UNITED STATES DISTRICT JUDGE