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**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF CALIFORNIA**

**CIENA CAPITAL FUNDING, LLC fka
BLX CAPITAL, LLC, a Delaware
foreign limited liability company,**

Plaintiff,

v.

**DJR PROPERTIES, INC. dba SUPER 8
MARIPOSA, a California corporation,
et al.,**

Defendants.

1:09-CV-1239 AWI SMS

**ORDER ON MOTION TO SET
ASIDE DEFAULT JUDGMENT**

On October 2, 2009, Plaintiff requested that the Clerk enter default as to Defendants Mariposa Public Utility District (“MPUD”) and Suraj P. Puri. On October 5, 2009, the Clerk entered default as to these Defendants. On October 7, 2009, Plaintiff filed a motion to set aside the default as to MPUD only. The motion explains that there was a potential issue regarding service of process. Plaintiff states that it is filing this motion and, in exchange, MPUD will file an answer on or by October 15, 2009. See Court’s Docket Doc. No. 45.

The Court will treat Plaintiff’s motion and the representations contained therein as a stipulation to set aside the entry of default. The Court believes that the stipulation constitutes “good cause” to set aside the entry of default. See Fed. R. Civ. Pro. 55(c); see also Franchise

1 Holding II, LLC v. Huntington Rests. Group, 375 F.3d 922, 925 (9th Cir. 2004). The Court will
2 give effect to the stipulation. However, because this order will be signed by the Court on
3 October 15, 2009, the Court will allow MPUD to file an answer on or by October 16, 2009.
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5 Accordingly, IT IS HEREBY ORDERED that:

- 6 1. Plaintiff's motion to set aside entry of default as to Defendant Mariposa Public Utility
7 District is GRANTED;
- 8 2. The Clerk is directed REMOVE and SET ASIDE the entry of default (docket entry 43) as
9 to Defendant Mariposa Public Utility; and
- 10 3. Defendant Mariposa Public Utility is to file an answer on or by October 16, 2009.¹
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12 IT IS SO ORDERED.

13 **Dated:** October 15, 2009

14 /s/ Anthony W. Ishii
15 CHIEF UNITED STATES DISTRICT JUDGE
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27 ¹If MPUD has an answer that is ready to be filed on October 15, 2009, it is directed to do so.
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