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 6 Attorneys for Defendant  
 JOSE MORENO

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 8 **UNITED STATES DISTRICT COURT**  
 9 **EASTERN DISTRICT OF CALIFORNIA - FRESNO DIVISION**

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 11 DELIA MAYNEZ and ARTURO MAYNEZ,

Case No. 1:09-CV-01422-AWI-SMS

12 Plaintiffs,

13 vs.

14 ELIZABETH GARZA, CALEB J. KHAN,  
 SUMMERFIELD MORTGAGE & REALTY,  
 15 AMERICA'S WHOLESALE LENDER, and  
 JOSE MORENO, and DOES 1 through 50,  
 16 inclusive,

**ORDER ON STIPULATION TO SET  
 ASIDE DEFAULT TAKEN BY  
 PLAINTIFFS IN STATE COURT  
 AGAINST DEFENDANT  
 JOSE MORENO**

17 Defendants.

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STIPULATION TO SET ASIDE DEFAULT

1 IT IS HEREBY STIPULATED, by and between plaintiffs Arturo Maynez and Delia  
2 Maynez (“Plaintiffs”) and defendant Jose Moreno(“Moreno”), through their undersigned counsel,  
3 as follows:

4 1. On July 9, 2009, Plaintiffs filed a Request for Entry of Default (“Default”) in this  
5 action in the Superior Court of California, County of Fresno (“State Court”), against Moreno,

6 2. On July 9, 2009, a Default was entered in this action against Moreno in State  
7 Court,

8 3. Plaintiff and Moreno have agreed, and hereby Stipulate, that the Default entered  
9 against Moreno in State Court on or about July 9, 2009, shall be set aside and that Moreno shall  
10 have to and including September 30, 2009, to answer or otherwise respond to Plaintiffs’  
11 Complaint; and

12 4. All rights of the parties are reserved.

13 Dated: August 24, 2009

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15 By: /s/ Susan M. Brown  
16 Susan M. Brown  
17 Attorney for Defendant  
18 JOSE MORENO

19 Dated: August 24, 2009

20 By: /s/ Juan M. Falcon  
21 Juan M. Falcon  
22 Attorney for Plaintiffs  
23 ARTURO MAYNEZ and DELIA MAYNEZ  
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**ORDER**

Based upon the stipulation of the parties, and good cause appearing, IT IS HEREBY ORDERED that:

1. The Default entered in this action against defendant Jose Moreno be set aside, and that defendant Jose Moreno shall have to and including September 30, 2009, to answer or otherwise respond to Plaintiffs' complaint.

IT IS SO ORDERED.

**Dated: September 8, 2009**

**/s/ Sandra M. Snyder**  
UNITED STATES MAGISTRATE JUDGE