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5 Attorneys for Defendant  
 6 WALGREEN CO.

7  
 8 **UNITED STATES DISTRICT COURT**  
 9 **STATE OF CALIFORNIA, EASTERN DISTRICT**

10 NATIVIDAD GUTIERREZ, ) Case No. 1:10-CV-01703-LJO-SMS  
 11 )  
 Plaintiff, )  
 12 ) **STIPULATION AND ORDER TO SET**  
 v. ) **ASIDE ENTRY OF DEFAULT**  
 13 )  
 )  
 14 WALGREENS CO. dba WALGREENS )  
 AND BDC CLOVIS L.P., )  
 15 )  
 Defendants. )  
 16 )

17 **I. STIPULATION**

18 WHEREAS, Plaintiff Natividad Gutierrez (“Plaintiff”), filed a Request to Enter Default  
 19 on November 15, 2010, against Defendant Walgreen Co. (“Walgreens”) on the Complaint.

20 WHEREAS, the Clerks Certificate of Entry of Default was issued by the Court on  
 21 November 18, 2010.

22 WHEREAS, Plaintiff has not prepared or filed a motion for entry of default judgment  
 23 and default judgment has not been granted against Walgreens.

24 WHEREAS, Plaintiff and Walgreens have agreed to set aside the Request to Enter  
 25 Default and the Clerks Certificate of Entry of Default.

26 WHEREAS, the parties wish to take the following steps to enable Walgreens to  
 27 participate in this matter:

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1           1.       The Request to Enter Default filed against Walgreens on November 15, 2010,  
2 and Clerks Certificate of Entry of Default of November 18, 2010, shall be set aside;

3           2.       Walgreens shall be permitted to file with the Court the accompanying answer to  
4 the Complaint of Plaintiff. (Attached as Exhibit "A" hereto is Walgreens' Answer to  
5 Complaint)

6 DATED: November 19, 2010

BERRY & BLOCK LLP

7  
8 By /s/ Brian Samuel Crone, Esq.  
BRIAN SAMUEL CRONE  
ERICK C. TURNER  
9 Attorneys for Defendant  
WALGREEN CO.

10  
11 DATED: November 19, 2010

MOORE LAW FIRM

12  
13 By /s/ Tanya Moore, Esq.  
TANYA MOORE  
14 Attorneys for Plaintiff  
Natividad Gutierrez

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16  
17 **II. ORDER**

18           Based on the foregoing, and for good cause shown, IT IS HEREBY ORDERED that the  
19 Parties' Stipulation to Set Aside Entry of Default be, and hereby is, granted. Plaintiff's Request  
20 to Enter Default filed on November 15, 2010, and the Clerks Certificate of Entry of Default of  
21 November 18, 2010, are hereby set aside. Walgreens shall file with the Court the Answer to the  
22 Complaint of Plaintiff on or before – Court notes defendant Walgreens Answer was filed on  
23 November 18, 2010 [Doc. 11].

24 **IT IS SO ORDERED.**

25  
26 Dated: November 19, 2010

/s/ Sandra M. Snyder

27 UNITED STATES MAGISTRATE JUDGE

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