

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT

EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION

JOHN MORALES,

Plaintiff,

v.

DOLLAR TREE STORES, INC., et al.,

Defendants.

CASE NO. 1:10-cv-01992-AWI-SKO

**ORDER GRANTING PARTIES'
STIPULATION ALLOWING
DEFENDANT AN EXTENSION OF
TIME TO FILE A RESPONSIVE
PLEADING**

(Docket No. 18)

On December 14, 2010, Plaintiff John Morales ("Plaintiff") filed a Request for Entry of Default as to Ross Dress for Less, Inc. ("Defendant"). On December 15, 2010, Plaintiff and Defendant filed a stipulated request that Defendant be allowed additional time to file a response to Plaintiff's complaint. The parties also stipulated that the entry of default be "set aside." However, default has not been entered by the Clerk of Court as to Defendant. The Court, therefore, construes the parties' stipulation to be a withdrawal of Plaintiff's request for entry of default as to Defendant at Docket No. 17. Pursuant to the parties' stipulation, the Court will GRANT their request.

Accordingly, IT IS HEREBY ORDERED THAT:

1. The parties' stipulated request to allow Defendant additional time to respond to the complaint is GRANTED;
2. Defendant Ross Dress for Less, Inc. shall have 10 days from the date of this order to

1 file a response to the complaint; and

2 3. The Clerk of Court will DISREGARD Plaintiff's Request for an Entry of Default as
3 to Defendant Ross Dress for Less, Inc. filed at Docket No. 17.

4
5 IT IS SO ORDERED.

6 **Dated: December 17, 2010**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE

7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28