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11
12 **UNITED STATES DISTRICT COURT**
13 **EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION**

14 * * *

15 BOARD OF TRUSTEES OF THE UNITED
FOOD AND COMMERCIAL WORKERS
16 NATIONAL HEALTH AND WELFARE
FUND;

17 Plaintiff,

18 v.

19 GIBSON WINE COMPANY; AND DOES 1
20 THROUGH 50;

21 Defendants.

Case No.: 1:14-CV-01366-AWI-GSA

**STIPULATION AND ORDER
SETTING ASIDE DEFAULT
ENTERED AGAINST DEFENDANT**

(Doc. 21)

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23
24 Plaintiff Board of Trustees of the United Food and Commercial Workers National Health
25 and Welfare Fund (“Plaintiff”) and defendant Gibson Wine Company (“Defendant”), through
26 their respective counsels, hereby stipulate, and request an order, as to the following:

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1 **ORDER**

2 The Court adopts the parties' stipulation set forth above. Accordingly, the Defendant's
3 pending Motion to Set Aside Entry of Default is deemed resolved by stipulation and the default
4 entered by the Clerk of Court against the Defendant on October 8, 2014 is hereby set aside.
5 Docs. 8, 11.

6 The hearing on Defendant's Motion to Set Aside Entry of Default, currently set for 9:30
7 a.m. on January 9, 2015, is VACATED. The Court notes that Plaintiff has withdrawn its Motion
8 for Default Judgment, which was also set for hearing on January 9, 2015 at 9:30 a.m. Doc. 18.
9 In light of the withdrawal of the motion, the hearing on Plaintiff's Motion for Default Judgment
10 is VACATED as well.

11 Finally, pursuant to the stipulation, Defendant is deemed served with the Summons and
12 Complaint, and shall file an Answer or other responsive pleading to the Complaint within
13 twenty-one (21) days of the date of this Order.

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15 IT IS SO ORDERED.

16 Dated: January 7, 2015

/s/ Gary S. Austin
UNITED STATES MAGISTRATE JUDGE

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