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1	Attorneys for Defendant Gibson Wine Company	
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1	UNITED STATES DISTRICT COURT	
1	EASTERN DISTRICT OF CALIFORNIA – FRESNO DIVISION	
1	* * *	
1	BOARD OF TRUSTEES OF THE UNITED FOOD AND COMMERCIAL WORKERS	Case No.: 1:14-CV-01366-AWI-GSA
1	NATIONAL HEALTH AND WELFARE FUND;	STIPULATION AND ORDER
1	II '	SETTING ASIDE DEFAULT ENTERED AGAINST DEFENDANT
1	8 v.	(Doc. 21)
1	GIBSON WINE COMPANY; AND DOES 1	(500. 21)
2	II	
2	Defendants.	
2	2	
2	3	
2	Plaintiff Board of Trustees of the United Food and Commercial Workers National Health	
2	and Welfare Fund ("Plaintiff") and defendant Gibson Wine Company ("Defendant"), through	
2	their respective counsels, hereby stipulate, and request an order, as to the following:	
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TUCKER, CHIU,		
HEBESHA & WARD PC 642 POLLASKY AVE., STE. 230 CLOVIS, CA 93612	/// Page 1 of 3	
	STIDIU ATION AND ODDED SETTING ASIDE DEFAULT ENTERDED A CAINST DEFENDANT	

STIPULATION

- 1. Plaintiff filed a Motion for Default Judgment on December 3, 2014, which sought a default judgment against Defendant. The hearing on said Motion is currently set for 9:30 a.m. on January 9, 2015, before the Honorable U.S. Magistrate Judge Gary S. Austin.
- 2. Defendant filed an Opposition to said Motion, and a Motion to Set Aside Entry of Default, on December 12, 2014. The hearing on said second Motion is likewise set for 9:30 a.m. on January 9, 2015, before the Honorable U.S. Magistrate Judge Gary S. Austin.
- 3. Plaintiff re-served Defendant with the Summons and Complaint through Defendant's counsel, Justin T. Campagne, of Campagne, Campagne & Lerner, at 1685 North Helm Avenue, Fresno, California 93727, on December 23, 2014.
- 4. Plaintiff also re-served Defendant with the Summons and Complaint through Defendant's agent for service of process, Kim Spruance, at 1720 Academy Avenue, Sanger, California 93657, on January 5, 2015.
- 5. The Parties hereby stipulate that the methods of service described above are valid, and that Defendant shall have twenty-one (21) days from the Court's Order on this Stipulation/Order to file an Answer to the Complaint.
- 6. The Parties respectfully request that the Court vacate the hearings on the Motion for Default Judgment, and Motion to Set Aside Entry of Default, both currently scheduled for January 9, 2015.

Dated: January __6, 2015. TUCKER, CHIU, HEBESHA & WARD A Professional Corporation

By /s/ Henry Y. Chiu
HENRY Y. CHIU
Attorney for Plaintiff

Dated: January ____6, 2015. CAMPAGNE, CAMPAGNE & LERNER A Professional Corporation

By /s/ Wiley R. Driskill
WILEY R. DRISKILL
Attorney for Defendant

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TUCKER CHILL

Page 2 of 3

ORDER The Court adopts the parties' stipulation set forth above. Accordingly, the Defendant's pending Motion to Set Aside Entry of Default is deemed resolved by stipulation and the default entered by the Clerk of Court against the Defendant on October 8, 2014 is hereby set aside. Docs. 8, 11. 5 The hearing on Defendant's Motion to Set Aside Entry of Default, currently set for 9:30 6 a.m. on January 9, 2015, is VACATED. The Court notes that Plaintiff has withdrawn its Motion for Default Judgment, which was also set for hearing on January 9, 2015 at 9:30 a.m. Doc. 18. 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 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. 14 IT IS SO ORDERED. 16 Dated: January 7, 2015 /s/ Gary S. Austin UNITED STATES MAGISTRATE JUDGE 17 18 19 20 21 22 23 24 25 26 27 28

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Page 4 of 3