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8 **UNITED STATES DISTRICT COURT**  
9 **EASTERN DISTRICT OF CALIFORNIA**

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11 JOSE ACOSTA,

12 Plaintiff,

13 vs.

14 JUAN DAMIAN dba EL PARIAN  
15 GROCERY MART, et al.,

16 Defendants.

) No. 1:17-cv-1533-DAD-SKO

) **STIPULATION TO SET ASIDE**  
) **DEFAULT; ORDER**

) (Doc. 17)

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**STIPULATION TO SET ASIDE DEFAULT; ORDER**

1 It is hereby stipulated by and between Plaintiff, Jose Acosta (“Plaintiff”), and  
2 Defendant, John Kojigian, Jr. (“Defendant,” and together with Plaintiff, “the Parties”), by and  
3 through their attorneys, that the Clerk’s Default against Defendant (Dkt. 15) be and is hereby  
4 set aside so that the matter may proceed on its merits, and that an answer on behalf of  
5 Defendant shall be filed within 30 days of the entry of the order setting aside the default.

6 Good cause exists because the Parties desire for the case to be heard on its merits.

7 **IT IS SO STIPULATED.**

8  
9 Dated: March 21, 2018

MISSION LAW FIRM, A.P.C.

10 /s/ Zachary M. Best

11 Zachary M. Best  
12 Attorney for Plaintiff,  
Jose Acosta

13 Dated: March 21, 2018

14 WAGNER JONES KOPFMAN  
& ARTENIAN LLP

15 /s/ Butch Wagner

16 Butch Wagner  
17 Attorney for Defendant,  
18 John Kojigian, Jr.

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STIPULATION TO SET ASIDE DEFAULT; ORDER

**ORDER**

Pursuant to the parties' above-stipulation to set aside the default entered by the Clerk of the Court on March 16, 2018, against Defendant John Kojigian, Jr. (Doc. 15), the Court hereby ORDERS that the Clerk's entry of default as to Defendant John Kojigian, Jr. be set aside.

The Court FURTHER ORDERS, based on the parties' stipulation, that Defendant John Kojigian, Jr. shall file a response to the complaint within 30 days of the date of this Order.

**The Scheduling Conference remains set for May 8, 2018, at 10:30 a.m. in Courtroom 7, before the undersigned. The parties shall file a Joint Scheduling Report by no later than May 1, 2018.**

IT IS SO ORDERED.

Dated: March 23, 2018

/s/ Sheila K. Oberto  
UNITED STATES MAGISTRATE JUDGE