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 8 **UNITED STATES DISTRICT COURT**
 9 **EASTERN DISTRICT OF CALIFORNIA**
 10 **SACRAMENTO DIVISION**

11 DIRECTV, INC., a California corporation,
 12 Plaintiff,
 13 vs.
 14 ROBERT PRIMER, et al.,
 15 Defendants.

Case No. CIV-S-03-983 FCD PAN

Hon. Frank C. Damrell, Jr.

**ORDER SETTING ASIDE TERMINATION
 OF ACTION**

“MODIFIED”

16 Having read the Request to Set Aside Order Terminating Entire Action filed herein
 17 by Plaintiff DIRECTV, Inc., and such other pleadings and papers deemed appropriate by the
 18 Court, and GOOD CAUSE appearing therefor, the Court ORDERS as follows:

- 19 1. The portion of the Order entered on February 11, 2005 as to the closing of this
 20 action is VACATED and the Clerk is directed to REOPEN the case; and
 21 2. Magistrate Judge Peter A. Nowinski may proceed with issuing his Findings and
 22 Recommendations on Plaintiff DIRECTV, Inc.’s Motion for Default Judgment against Defendant
 23 Gustavo Rodriguez.

24
 25 DATED: October 26, 2005

/s/ Frank C. Damrell Jr.

Honorable Frank C. Dramrell, Jr.
 United States District Court
 Eastern District of California

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PROOF OF SERVICE

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action. My business address is at BUCHALTER NEMER, A Professional Corporation, 18400 Von Karman Avenue, Suite 800, Irvine, California 92612-0514.

On October 25, 2005, I served the foregoing document described as: **[PROPOSED] ORDER SETTING ASIDE TERMINATION OF ACTION** on all other parties and/or their attorney(s) of record to this action by placing a true copy thereof in a sealed envelope as follows:

Gustavo Rodriguez
3355 Smoketree Dr. #235
Sacramento, CA 95834

BY MAIL I am a resident of, or employed in, the county where the mailing occurs; I am over the age of 18 years and am not a party to the cause. I am readily familiar with the business' practice for collection and processing of correspondence for mailing with the United States Postal Service. The correspondence will be deposited with the United States Postal Service this same day in the ordinary course of business. The address(es) shown above is(are) the same as shown on the envelope. The envelope was placed for deposit in the United States Postal Service at Buchalter, Nemer, Fields & Younger in Irvine, California. The envelope was sealed and placed for collection and mailing with first-class prepaid postage on that date following ordinary business practices.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Executed on October 25, 2005, at Irvine, California.

Joanne D. Mealey-Hatch

/s/ Joanne D. Mealey-Hatch

(Signature)