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 6 Attorneys for Defendants
 7 DJPR, LLC, Individually and dba Valencia Club
 and Kenneth L. Stimson

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

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 12 SCOTT N. JOHNSON,

13 Plaintiff,

14 v.

15 DJPR, LLC, Individually and dba
 16 VALENCIA CLUB; KENNETH L.
 17 STIMSON,

Defendants.

CASE NO. 2:08-cv-02271-FCD-DAD

**STIPULATION AND ORDER TO SET
 ASIDE DEFAULT
 [Rule 55(c) FRCP]**

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 20 Pursuant to Rule 55(c) of the Federal Rules of Civil Procedure, Plaintiff, SCOTT
 21 N. JOHNSON and Defendants, DJPR, LLC, Individually and dba VALENCIA CLUB
 22 and KENNETH L. STIMSON, by and through their respective attorneys, Scott N.
 23 Johnson and Cris C. Vaughan, hereby stipulate to, and request the Court to, set aside the
 24 default that was entered by the Clerk in this matter on December 23, 2008, for good
 25 cause and in the interests of justice and allow Defendants, DJPR, LLC, Individually and

1 dba VALENCIA CLUB and KENNETH L. STIMSON to file an Answer to the Complaint
2 within ten (10) days after entry of the Order setting aside the default.

3 The Parties further request the Court to vacate Plaintiff's Motion for Default
4 Judgment against Defendants, DJPR, LLC, Individually and dba VALENCIA CLUB and
5 KENNETH L. STIMSON set for April 24, 2009 before Magistrate Judge Dale A. Drozd.

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IT IS SO STIPULATED.

Dated: April 20, 2009

/s/Scott N. Johnson
Scott N. Johnson, Attorney for
Plaintiff

Dated: April 17, 2009

/S/ CRIS C. VAUGHAN
Cris C. Vaughan, Attorney for
Defendants, DJPR, LLC, Individually
and dba VALENCIA CLUB and
KENNETH L. STIMSON

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ORDER

IT IS SO ORDERED; that the Default entered in this matter on December 23, 2008 is hereby set aside and Defendants, DJPR, LLC, Individually and dba VALENCIA CLUB and KENNETH L. STIMSON shall file an Answer to the Complaint no later than ten (10) days after this Order is filed.

Plaintiff's Motion for Default Judgment against Defendants, DJPR, LLC, Individually and dba VALENCIA CLUB and KENNETH L. STIMSON set for April 24, 2009 before Magistrate Judge Dale A. Drozd is hereby vacated.

Dated: April 20, 2009


FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE