

1 RICHARD A. HALL (SBN 135483)
BOTTOMLINE LAWYERS
 2 985 Lincoln Way, Suite 206
 Auburn, California 95601
 3 Telephone: (530) 888-7100
 Facsimile: (866) 305-1238
 4

5 Attorneys for Plaintiffs
 DANIEL MAJOR EDSTROM, an individual;
 6 and TERI ANNE EDSTROM, an individual

7 UNITED STATES DISTRICT COURT
 8 EASTERN DISTRICT OF CALIFORNIA

9 DANIEL MAJOR EDSTROM, an)	CASE NO. 2:10-cv-00105 FCD KJM
individual; and TERI ANNE)	
10 EDSTROM, an individual,)	PLAINTIFFS' EX PARTE APPLICATION TO
)	REMOVE ENTRY OF DEFAULT AGAINST
11 Plaintiffs,)	NDEX WEST; ORDER
)	
12 v.)	
)	
13 NDEX WEST, LLC, a Delaware limited)	
liability company; AMERICA'S)	
14 SERVICING COMPANY, an entity)	
form unknown; MORTGAGE)	
15 ELECTRONIC REGISTRATION)	
SYSTEMS (MERS); and DOES 1-)	
16 10,000,)	
)	
17 Defendants.)	
)	

18
 19 Plaintiffs apply ex parte to remove the entry of default entered on September 27, 2010,
 20 against defendant NDex West. The request to enter default, dated September 24, 2010, was
 21 entered through mistake and inadvertence of attorneys for plaintiffs, as is explained below.

22 **Declaration of Richard A. Hall**

- 23 1. I represent the plaintiffs in this action. I have personal knowledge of the matters
 24 stated herein, and if called as a witness to testify, will competently do so.
- 25 2. I filed a request for entry of default against defendant NDEX West, on September
 26 24, 2010.
- 27 3. The entry of default was entered on September 27, 2010.
- 28 4. On September 26, I discovered that on September 13 I had granted counsel for

1 NDEX West an extension of time til October 4 to respond to the complaint.

2 5. When I drafted the request for entry of default, I had forgotten about the extension
3 I had provided to counsel for NDEX West.

4 6. Only after the entry of default was entered, on September 27, 2010, did I realize
5 my error.

6 7. Thus the request for entry of default, filed on September 24, 2010, was entered
7 through inadvertence or excusable neglect.

8 8. I have since spoken with counsel who assures me he will have a responsive
9 pleading on file by no later than October 6, 2010.

10 9. Therefore, I respectfully request the Court order that my request the entry of
11 default of September 27, 2010, be withdrawn, and thereby remove the entry of default of NDEX
12 West, entered September 27, 2010.

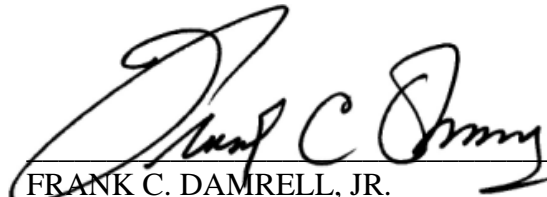
13 10. Counsel for NDEX West has assured me that once the order withdrawing the
14 request for entry of default is entered, counsel will get a stipulation for the extension of time to
15 respond, accompanied by an order.

16 I declare under penalty of perjury under the laws of the United States that the foregoing is
17 true and correct and that this declaration is executed on October 4, 2010, at Auburn, California.

18
19
20 /s/ Richard A. Hall
Richard A. Hall

21
22 IT IS SO ORDERED.

23 Dated: October 5, 2010

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25 
FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE