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7
 8 UNITED STATES DISTRICT COURT
 9 EASTERN DISTRICT OF CALIFORNIA

10 LUKE M. GIBSON, and LISA A.
 11 GIBSON,

12 Plaintiffs,

13 vs.

14 BANK OF AMERICA, N.A; and DOES
 15 1-20, INCLUSIVE,

16 Defendants.

No.: 2:11-CV-02141-JAM-EFB

STIPULATION TO VACATE ENTRY
 OF DEFAULT; ORDER

Complt. Filed: August 12, 2011

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 A limited liability partnership formed in the State of Delaware

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1 Plaintiffs Luke Gibson and Lisa Gibson (“Plaintiffs”) and Defendant Bank of
2 America, N.A. (“Defendant”) (collectively, the “Parties”), through their respective
3 counsel of record, hereby submit the following stipulation to set aside the entry of
4 default.

5 **I. RECITALS**

6 1. On August 12, 2011, Plaintiffs filed the instant action in the above-
7 entitled Court against Defendant;

8 2. On October 25, 2011, Plaintiffs requested, and the Court entered, an
9 Entry of Default against Defendants;

10 3. Good cause exists to vacate the entry of default;

11 4. The Parties enter into this stipulation, which the Parties seek for the
12 Court’s approval to set aside the entry of default against Defendant.

13 **II. STIPULATION**

14 1. The parties stipulate to this Court setting aside the Entry of Default
15 entered on October 25, 2011;

16 2. Defendant shall file a responsive pleading within 10 days of the Court’s
17 Order adopting this Stipulation.

18
19 **SO STIPULATED**

20 DATED: November 7, 2011 REED SMITH LLP

21 By /s/ Dominique A. Heller
22 Dominique A. Heller (SBN 260716)
23 Attorney for Defendant
24 Bank of America, N.A.

25 DATED: November 7, 2011 BAROKAS, MARTIN & TOMLINSON LLP

26 By /s/ Joseph W. Creed
27 Joseph W. Creed (SBN 212129)
28 Attorney for Plaintiffs
Luke and Lisa Gibson

1 **[PROPOSED] ORDER**

2 The Court, having reviewed the stipulation of Plaintiffs Luke and Lisa Gibson
3 and Defendant Bank of America, N.A., hereby adopts the stipulation as the order of
4 the Court as follows:

5 The Entry of Default entered by the Court on October 25, 2011 is **VACATED**.

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7 **IT IS SO ORDERED**

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9 DATED: 11/7/2011

/s/ John A. Mendez

10 Honorable John A. Mendez

11 U.S. District Court Judge

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