Whereas on October 9, 2013, the Clerk of the Court entered default against SPROUTS FARMERS MARKETS, LLC;

Whereas SPROUTS FARMERS MARKETS, LLC was dissolved on December 6, 2011:

Whereas Defendant SFM, LLC, A DELAWARE LLC, AS SUCCESSOR IN INTEREST TO SPROUTS FARMERS MARKETS, LLC has requested Plaintiff set aside the default taken against SPROUTS FARMERS MARKETS, LLC to permit the successor-in-interest to file an Answer in this case;

Whereas Plaintiff has agreed to request this Court set aside the default entered by the Clerk on October 9, 2013 be set aside immediately to allow the filing of the Answer and Cross-Claim of Defendant SFM, LLC, A DELAWARE LLC, AS SUCCESSOR IN INTEREST TO SPROUTS FARMERS MARKETS, LLC within ten days after the entry of the Order on this Stipulation;

Accordingly, Plaintiff and Defendant SFM, LLC, A DELAWARE LLC, AS SUCCESSOR IN INTEREST TO SPROUTS FARMERS MARKETS, LLC, having conferred via email, DO HEREBY STIPULATE that the default entered by the Clerk against SPROUTS FARMERS MARKES, LLC on October 9, 2013 be set aside and that Defendant SFM, LLC, A DELAWARE LLC, AS SUCCESSOR IN INTEREST TO SPROUTS FARMERS MARKETS, LLC be permitted to file an Answer and Cross-Claim within ten days after entry of the Order on this Stipulation.

Respectfully submitted,

DATED: November \_\_\_\_, 2013

JOHN C. MILLER, JR. Counsel for Plaintiff

DATED: November \_\_\_\_, 2013

TED DANIEL WOOD
Counsel for Defendant/Cross-complainant
SFM, LLC, a Delaware LLC, as successor
in interest to Sprouts Farmers Markets, LLC

**ORDER** 

Pursuant to the parties' stipulation to set aside the default entered against SPROUTS FARMERS MARKETS, LLC, by the Clerk of the Court on October 9, 2013, to allow for the filing of an Answer by the successor-in-interest, the default entered against SPROUTS FARMERS MARKETS, LLC by the Clerk of the Court on October 9, 2013 is hereby set aside. It is further ORDERED Defendant shall have ten (10) calendar days from the date of service of this Order to answer or otherwise respond to the Complaint.

IT IS SO ORDERED.

Dated: January 13, 2014

MORRISON C. ENGLAND, JR, CHIEF JUDGE

UNITED STATES DISTRICT COURT