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14 MILES SCOTT BRATTON and ADAM LOCKIE

15 UNITED STATES DISTRICT COURT  
16 EASTERN DISTRICT OF CALIFORNIA  
17 SACRAMENTO DIVISION

18 SUKHWINDER KAUR, et al.

19 Plaintiffs,

20 vs.

21 CITY OF LODI, et al.

22 Defendants.

Case No. 2:14-cv-00828-GEB-AC

**STIPULATION TO SET ASIDE ENTRY OF  
DEFAULT AGAINST DEFENDANT MILES  
SCOTT BRATTON AND ADAM LOCKIE &  
FOR FILING OF AN ANSWER BY  
DEFENDANT MILES SCOTT BRATTON AND  
ADAM LOCKIE TO THE THIRD AMENDED  
COMPLAINT; [PROPOSED] ORDER**

23  
24 **INTRODUCTION**

25 Plaintiff Sukhwinder Kaur, Kulbinder Kaur Sohota, and Sarabjit Singh Shergill (collectively,  
26 “Plaintiffs”) and Defendant Miles Scott Bratton and Adam Lockie (collectively, “Officer Defendants”)   
27 request that the Court set aside the entry of default against Officer Defendants, and permit Officer  
28 Defendants to file an Answer to the Third Amended Complaint.

1 **RELEVANT BACKGROUND INFORMATION**

2 On July 1, 2015, the currently-operable complaint, the Third Amended Complaint, ECF No. 88,  
3 was filed.

4 On July 15, 2015, Officer Defendants filed a motion to dismiss a single claim from the Third  
5 Amended Complaint. ECF No. 89. That motion was opposed by Plaintiffs. ECF No. 95.

6 On September 16, 2015, the Court denied Officer Defendants’ motion to dismiss. ECF No. 100.

7 On October 1, 2015, Plaintiffs sought entry of default against Officer Defendants for their non-  
8 compliance with Federal Rule of Civil Procedure 12(a)(4)(A). ECF No. 103.

9 On October 1, 2015, the Clerk of the Court entered Plaintiffs’ requested default against Officer  
10 Defendants for their “fail[ure] to appear, plead or answer [Plaintiffs’] complaint within the time allowed  
11 by law...” ECF No. 104.

12 On October 6, 2015, Officer Defendants filed a motion to set aside the Clerk of the Court’s entry  
13 of default. ECF No. 106. That motion was opposed by Plaintiffs. ECF No. 109. Officer Defendants filed  
14 a reply brief on November 9, 2015. ECF No. 115.

15 **STIPULATION**

16 Plaintiffs and Officer Defendants hereby request and stipulate that:

17 1. the Court set aside the entry of default, ECF No. 104, currently entered against Officer  
18 Defendants; and

19 2. Officer Defendants file an Answer to the Third Amended Complaint on or before  
20 November 23, 2015.

21 Dated: November 12, 2015

Respectfully Submitted,

LAW OFFICE OF MARK E. MERIN

/s/ Mark E. Merin

24 By: \_\_\_\_\_  
25 Mark E. Merin

26 Attorney for Plaintiffs  
27 SUKHWINDER KAUR, KULBINDER KAUR  
28 SOHOTA, and SARABJIT SINGH SHERGILL

1 Dated: November 12, 2015

Respectfully Submitted,  
MAYALL HURLEY, P.C.

3 /s/ Mark E. Berry  
4 (as authorized on November 12, 2015)

By: \_\_\_\_\_  
5 Mark E. Berry

6 Attorney for Defendants  
7 MILES SCOTT BRATTON and  
8 ADAM LOCKIE

1 **[PROPOSED] ORDER**

2 Pursuant to the parties' stipulation, it is hereby ordered that:

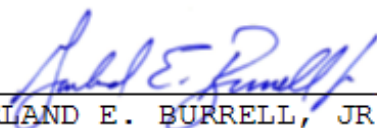
3 1. the current entry of default against Officer Defendants, ECF No. 104, be set aside; and

4 2. Officer Defendants file an Answer to the Third Amended Complaint on or before

5 November 23, 2015.

6 IT IS SO ORDERED.

7 Dated: November 12, 2015

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12 GARIAND E. BURRELL, JR.  
13 Senior United States District Judge  
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