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9 United Financial Casualty Company

10 UNITED STATES DISTRICT COURT
11 EASTERN DISTRICT OF CALIFORNIA

12
13 United Financial Casualty Company;

14 Plaintiff,

15 v.

16 JML, a minor, by and through her
17 guardian ad litem, Michelle Rogers;
18 Manjit Singh, individually and dba
19 Top Raman Trucking; State
20 Compensation Insurance Fund;
21 LaToia Levy Johnson; Matthew
22 Levy; Ewell Levy, II; Giovanni
23 Levy; Maria Castro, individually and
24 dba Maxi Beauty Hair Salon; Lorina
25 Mopera, individually and dba
26 Lutong Bahay Filipino Food; Juan
27 Lopezmor, individually and dba Los
28 Patrones Restaurant; Richard Mao,
individually and dba Promax
Investment Properties, LLC; Promax
Investment Properties, LLC; United
Fire & Casualty Co.; Frank Daniels
individually and dba FD Wireless;

Case No. 2:16-cv-02098-LEK

**Stipulation/Order to Set Aside
Defaults Against Defendants LaToia
Levy Johnson, Ewell Levy, II, and
Geovanni Levy and to Set Date for
Response to First Amended
Complaint by such Defendants and
Defendant Matthew Levy**

Stipulation/Order (2:16-cv-02098-LEK)

1 Kelley Lewis, individually and dba
2 FD Wireless; Kare Kruegger,
3 individually and dba FD Wireless;
4 Farmers Insurance Exchange;
5 Rogelio Ramirez-Munoz; Daniel
6 Gardner; and Marvin Doldol;

7
8 Defendants.

9 Plaintiff United Financial Casualty Company and defendants LaToia
10 Levy Johnson, Matthew Levy, Ewell Levy, II, and Geovanni Levy, through
11 their respective counsel, stipulate as follows:

12 **Recitals**

13 In its first amended complaint in this case (Dkt. 28), plaintiff United
14 Financial Casualty Company alleges three causes of action against
15 defendants LaToia Levy Johnson, Matthew Levy, Ewell Levy, II, and
16 Geovanni Levy. The court entered defaults on the first amended complaint
17 against defendant LaToia Levy Johnson on April 20, 2017 (Dkt. 55), against
18 defendant Ewell Levy, II on April 4, 2017 (Dkt. 49), and defendant Giovanni
19 Levy on April 20, 2017 (Dkt. 55).

20 With the exception of defendant Matthew Levy, all defendants named in
21 the first amended complaint have either appeared in the action or have been
22 voluntarily dismissed.

23 Plaintiff United Financial Casualty Company has been attempting to
24 effect service of the first amended complaint on defendant Matthew Leavy,
25 but has been unsuccessful. Counsel for plaintiff United Financial Casualty
26 Company has spoken with attorney Gary Roth, who represents defendants
27 LaToia Levy Johnson, Matthew Levy, Ewell Levy, II, and Geovanni Levy in
28 the pending state court litigation referenced in the first amended complaint.
Attorney Roth has confirmed that all of his clients have an interest in

1 participating in this case and that he has been authorized to accept service of
2 the first amended complaint on behalf of defendant Matthew Leavy, if
3 plaintiff United Financial Casualty Company will agree to the court vacating
4 the defaults against attorney Roth's other clients.

5 **Stipulation**

6 Accordingly, plaintiff United Financial Casualty Company and
7 defendants LaToia Levy Johnson, Matthew Levy, Ewell Levy, II, and
8 Geovanni Levy hereby agree to the court ordering as follows:

9 1. The defaults entered against defendants LaToia Levy Johnson, Ewell
10 Levy, II, and Geovanni Levy are vacated; and

11 2. LaToia Levy Johnson, Matthew Levy, Ewell Levy, II, and Geovanni
12 Levy shall file a response to the first amended complaint within 20 days
13 after entry of this order.

14
15 IT IS SO STIPULATED.

16
17 July 24, 2017

Patrick Howe Law, APC

18 By: /s/Patrick M. Howe

19 Patrick M. Howe

20 Attorneys for plaintiff United

21 Financial Casualty Company

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July 24, 2017

Boxer & Gerson, LLP

By: /s/Gary B. Roth
Gary B. Roth
Attorneys for defendants LaToia
Levy Johnson, Matthew Levy, Ewell
Levy, II, and Geovanni Levy
groth@boxerlaw.com

(Signature authorized on July 20,
2017)

IT IS SO ORDERED

July 24, 2017
Date



/s/ Leslie E. Kobayashi
Leslie E. Kobayashi
United States District Judge