-1-REQUEST TO VACATE JUDGMENT Case No.: C03-2875 MMC

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2. A Stipulation of Dismissal Without Prejudice and Entry of Judgment was filed by Plaintiffs' counsel on October 8, 2003. The matter was dismissed, based on a settlement, with the court retaining Jurisdiction.

- 3. Unknown to Plaintiffs, Steven P. Schulhauser filed for Chapter 7 Bankruptcy on September 20, 2005, and was discharged on December 21, 2005, which was prior to the entry of Judgment. The bankruptcy case was closed on December 27, 2005.
- 4. An *Ex Parte* Application for Entry of Judgment Based Upon Stipulation was filed by Plaintiffs' counsel on June 15, 2006, as Defendants defaulted on their monthly payment plan. An Order by Judge Maxine M. Chesney granting the *Ex Parte* application was filed on June 19, 2006, with the Judgment in favor of Plaintiffs and against Defendants entered on the same date.
  - 5. A Motion to Substitute Attorney was filed by present counsel on January 5, 2009.
- 6. Upon review by Plaintiffs' new counsel, it appears that Judgment should not have been entered after the default due to the bankruptcy discharge.

I declare under penalty of perjury that I am the attorney for the Plaintiffs in the above entitled action, and that the foregoing is true of my own knowledge.

Executed this 5th day of January, 2009, at San Francisco, California.

SALTZMAN & JOHNSON LAW CORPORATION

By: /s/ Michele R. Stafford
Michele R. Stafford
Attorneys for Plaintiffs

IT IS SO ORDERED:

The Judgment entered in favor of Plaintiffs and against Defendants on June 19, 2006 is vacated.

Date: January 14, 2009

United States District Court Jacke

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