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13 Attorneys for defendant San Jose Tallow Company

14 UNITED STATES DISTRICT COURT
 15 NORTHERN DISTRICT OF CALIFORNIA

16 ROSEMARY MUCKLOW and MIKE
 17 FURSMAN, in their capacities as Trustees
 18 of the NORTHERN CALIFORNIA UFCW
 19 WHOLESALE HEALTH & WELFARE
 20 FUND,

21 Plaintiff,

22 v.

23 SAN JOSE TALLOW COMPANY,

24 Defendant.

25 CASE NO. CV-10-1088-CRB

26 **STIPULATION TO SET ASIDE DEFAULT
 27 OF DEFENDANT SAN JOSE TALLOW
 28 COMPANY AND (PROPOSED) ORDER
 THEREON**

29 Plaintiffs Rosemary Mucklow and Mike Fursman, in their capacities as trustees of the
 30 Northern California UFCW Wholesale Health & Welfare Fund, filed suit against San Jose Tallow
 31 Company on or about March 15, 2010.

32 San Jose Tallow Company is owned by various members of the Rosenzweig family, and
 33 Vice President Mark Rosenzweig manages the legal affairs of the company on a day-to-day basis.

34 The summons and complaint in this case were served upon defendant San Jose Tallow
 35 Company when Mark Rosenzweig was traveling outside of California on vacation. By the time
 36 Mr. Rosenzweig returned to work, noticed the summons and complaint, and conferred with

1 counsel, the Court had entered the default of San Jose Tallow Company. Counsel for San Jose
2 Tallow Company thereafter contacted counsel for the plaintiffs and requested that the plaintiffs
3 stipulate to an order setting aside entry of the default and permitting San Jose Tallow Company to
4 file an answer to the complaint.

5 The plaintiff and defendant, through their respective counsel, hereby stipulate to set aside
6 the default entered against defendant San Jose Tallow Company on May 4, 2010, and stipulate
7 that defendant San Jose Tallow Company shall file a response to the complaint within five court
8 days of its counsel's receipt of the court's order setting aside the default and permitting it to file
9 an answer.

10 Dated: June 3, 2010

Hopkins & Carley
A Law Corporation

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13 By: Daniel F. Pyne
14 Daniel F. Pyne
15 Attorneys for defendant San Jose Tallow
Company

16 Dated: June 3, 2010

WEINBERG, ROGER & ROSENFELD

17
18 By: Ezekiel Carder
19 EZEKIEL CARDER
20 Attorney for plaintiffs Rosemary Mucklow
21 and Mike Fursman, in their capacities as
22 Trustees of the Northern California UFCW
23 Wholesale Health & Welfare Fund
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ORDER

Good cause appearing herefor, the Court hereby sets aside the default entered against defendant San Jose Tallow Company and orders defendant San Jose Tallow Company to file a response to the complaint within five court days of its counsel's receipt of this order.

Date: June 21, 2010

JUDGE OF THE UNITED STATES DISTRICT COURT

