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United States District Court
For the Northern District of California

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BAY AREA PAINTERS AND TAPERS
PENSION TRUST FUND, et al.,

No. C 10-1305 MMC

Plaintiffs,

**ORDER DENYING PLAINTIFFS’
REQUEST FOR ENTRY OF JUDGMENT
AND FOR ISSUANCE OF WRIT OF
EXECUTION**

v.

ADVANCED INTERIOR SYSTEMS, INC., et
al.,

Defendants.

Before the Court is plaintiffs’ Request for Entry of Judgment and Request for Issuance of Writ of Execution as to defendant Robert Lee Brown (“Brown”), filed November 27, 2012. By said request, plaintiffs ask the Court to enter judgment against Brown based on his failure to comply with the payment schedule set forth in the parties’ “Stipulation to Entry of Judgment” (“Stipulation”), which Stipulation provides, inter alia, that in the event of a default, “[p]laintiffs shall mail and email a written notice of default to [d]efendants’ attorney C. Patrick Stoll.” (See Stipulation, filed Mar. 28, 2011, ¶ 7; Order, filed Mar. 30, 2011.)

In support thereof, plaintiffs submit a declaration stating that on October 17, 2012 and October 25, 2012, “[p]laintiffs sent notice of [the above-referenced] default pursuant to paragraph 7 of the Stipulation.” (See Kaplan Decl. at ¶ 7.) The notices submitted as

1 exhibits in support of plaintiffs' request, however, are two letters sent directly to Brown, not
2 a letter and email sent to Brown's attorney as required by the Stipulation. (See Request
3 Ex. B, Ex. C.)

4 Accordingly, the request is hereby DENIED, without prejudice to plaintiffs'
5 resubmitting said request upon proper notice having been provided to Brown in accordance
6 with the Stipulation.

7 **IT IS SO ORDERED.**

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Dated: November 29, 2012


MAXINE M. CHESNEY
United States District Judge