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

E. BERTITA TRABERT GRAEBNER,  
individually and as Trustee of the El Nora  
L. Trabert Irrevocable Trust, TALLIE R.  
TRABERT, individually and as Trustee of  
the El Nora L. Trabert Irrevocable Trust,  
T. VERNON TRABERT, individually and  
as Trustee of the El Nora L. Trabert  
Irrevocable Trust,

No. C 12-01694 WHA

**ORDER GRANTING MOTION TO  
SET ASIDE DEFAULT AND MOTION  
TO DISMISS DEFENDANTS  
MICHAEL E. JAMES AND MNM  
PROPERTIES, LLC**

Plaintiffs,

v.

MICHAEL E. JAMES, an individual,  
MNM PROPERTIES, LLC, a foreign  
limited liability company, WM. PAGE &  
ASSOCIATES, INC., a foreign  
corporation, WILLIAM SCOTT PAGE,  
an individual, and DOES 1-50, inclusive,

Defendants.

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Pursuant to the order dated September 6 (Dkt. No. 86), defendant Michael E. James submitted a motion to set aside default, explaining that good cause exists due to his lack of financial resources and confusion about the deadline for answering the amended complaint (Dkt. No. 90). Plaintiffs have filed a statement of non-opposition to defendant's motion to set aside default (Dkt. No. 92). Additionally, plaintiffs have moved to dismiss both defendant James and MNM Properties, LLC, on the grounds that James lacks financial resources with which to satisfy a potential judgment and further litigation against James would be economically unfeasible (Dkt. No. 93).

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Accordingly, defendant's motion to set aside default is hereby **GRANTED**. Plaintiffs' motion to dismiss defendants James and MNM Properties, LLC is also **GRANTED**. This will now be *res judicata*. If any party objects to this order, then a hearing will go forward on October 16 as scheduled (limited to the scope of this order; no evidentiary hearing will be required on October 16). If no objections are filed by **NOON ON OCTOBER 3**, then judgment will be entered therewith.

**IT IS SO ORDERED.**

Dated: September 30, 2013.

  
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WILLIAM ALSUP  
UNITED STATES DISTRICT JUDGE