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**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

THE BOARD OF TRUSTEES, in their capacities as Trustees of the LABORERS HEALTH AND WELFARE TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS VACATION-HOLIDAY TRUST FUND FOR NORTHERN CALIFORNIA; LABORERS PENSION TRUST FUND FOR NORTHERN CALIFORNIA; and LABORERS TRAINING AND RETRAINING TRUST FUND FOR NORTHERN CALIFORNIA,

Plaintiffs,

v.

CHERYL MAUREEN COLE, individually; CHERYL MAUREEN COLE, individually and doing business as LABAT’S TREE CARE; and LABAT’S TREE CARE,

Defendants.

Case No. 14-cv-02672 NC

ORDER SETTING HEARING ON MOTION TO SET ASIDE DEFAULT

Re: Dkt. No. 10

At plaintiffs’ request, on July 29, 2014, the clerk entered default as to defendants Cheryl Maureen Cole individually and doing business as Labat’s Tree Care, and Labat’s Tree Care. Dkt. No. 9. Cole, proceeding pro se, filed a “motion to dismiss under Rule 12(b) for lack of jurisdiction, improper venue, insufficient service of process, or failure to state a claim,” on the basis that she has not been properly served. Dkt. No. 10. The Court

Case No. 14-cv-00620 NC
ORDER SETTING HEARING ON
MOTION TO SET ASIDE DEFAULT

1 will treat this motion as a motion to set aside the entry of default as to Cole individually and
2 doing business as Labat's Tree Care under Federal Rule of Civil Procedure 55(c). The
3 Court notes that because defendant Labat's Tree Care is a business entity, it may not appear
4 through Cole but "may appear only through a member of the bar of this Court." Civ. L.R.
5 3-9(b).


6 Any response to Cole's motion is due by August 25, 2014. Any reply is due within 7
7 days after the response is filed. The Court will hear the motion on September 10, 2014, at
8 1:00 p.m. in Courtroom A, 15th Floor, U.S. District Court, 450 Golden Gate Avenue, San
9 Francisco, California.

10 Plaintiffs and Cole must consent or decline the jurisdiction of a magistrate judge by
11 August 25, 2014. See attached consent/declination form.

12 For additional guidance, Cole may refer to the Court's Pro Se Handbook, available at
13 <http://www.cand.uscourts.gov/prosehandbook> on the Court's website, or contact the Legal
14 Help Center, which provides information and limited-scope legal advice to pro se litigants
15 in civil cases. The Legal Help Center requires an appointment, which can be made by
16 calling (415) 782-8982.

17 IT IS SO ORDERED.

18 Date: August 11, 2014

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21 Nathanael M. Cousins
22 United States Magistrate Judge
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