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 4

5 Attorneys for Defendants  
 CARMANN L. BREKKE  
 6 and DONNA M. BREKKE

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 8  
 9 UNITED STATES DISTRICT COURT  
 10 NORTHERN DISTRICT OF CALIFORNIA

11 IRMA RAMIREZ,	)	CASE NO. 3:15-CV-01195-WHA
	)	
12	)	
13 Plaintiff,	)	Civil Rights
	)	
14 vs.	)	
	)	<b>STIPULATION AND <del>PROPOSED</del></b>
15 2790 SANTA ROSA AVE. (AKA)	)	<b>ORDER TO SET ASIDE DEFAULT</b>
16 AVENUE SHOPPES; CARMANN L.	)	
BREKKE; and DONNA M. BREKKE,	)	
	)	
17 Defendants.	)	
18 _____	)	

19  
 20 WHEREAS, Plaintiff filed the Complaint in this Action on March 12, 2015;

21 WHEREAS, Plaintiff filed the Amended Complaint in this Action on March 23, 2015;

22 WHEREAS, on August 11, 2015, Plaintiff submitted a Return of Service Re All Defendants  
 23 (Docket #9) in which Plaintiff's process server states that he sub-served the Summons and  
 24 Complaint on "Jane Doe" for service of process on August 1, 2015;

25 WHEREAS, on January 28, 2016, Plaintiff filed a Request to Enter Default Against  
 26 Defendants Carmann L. Brekke and Donna M. Brekke (Docket #11) and the Clerk subsequently  
 27 entered default against Defendants on January 29, 2016 (Docket #12).;

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1 NOW, THEREFORE, the parties hereto, by and through their respective undersigned  
2 counsel, hereby stipulate as follows:

- 3 1. The Default entered by the Clerk on January 29, 2016 be set aside in its entirety; and  
4 2. Defendants' Answer shall be due March 16, 2016.

5 IT IS STIPULATED, THROUGH COUNSEL OF RECORD.

6 DATED: February 16, 2016 CLEMENT, FITZPATRICK & KENWORTHY

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8 By: /s/ Peter C. De Golia  
9 PETER C. De GOLIA  
10 Attorneys for Defendants CARMANN L. BREKKE  
11 and DONNA M. BREKKE

12 DATED: February 17, 2016 THOMAS E. FRANKOVICH,  
13 A PROFESSIONAL LAW CORPORATION


14 By: /s/ Thomas E. Frankovich  
15 THOMAS E. FRANKOVICH  
16 Attorney for Plaintiff IRMA RAMIREZ

17 ORDER

18 Pursuant to the parties' Stipulation, the default entered by the Clerk on January 29, 2016,  
19 (Docket #12) is set aside. Defendants' answer shall be due March 16, 2016.

20 PURSUANT TO STIPULATION, IT IS SO ORDERED.

21 DATED: February 22, 2016.

22   
23 WILLIAM ALSUP  
24 United States District Judge