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8 Attorneys for Defendant
9 COMPASS ASIA, INC.

10 UNITED STATES DISTRICT COURT
11 NORTHERN DISTRICT OF CALIFORNIA
12 OAKLAND DIVISION

13 ANDERSON, ROWE & BUCKLEY, INC.,)
14 OLD REPUBLIC GENERAL INSURANCE)
15 CORPORATION,)
16 Plaintiffs,)
17 v.)
18 FERGUSON ENTERPRISES, INC.,)
19 MUELLER INDUSTRIES, COMPASS)
20 ASIA, DOES 1 through 10,)
21 Defendants.)

CASE NO. 4:11-cv-01428-LB

**STIPULATION AND ~~PROPOSED~~
ORDER TO SET ASIDE ENTRY OF
DEFAULT AGAINST DEFENDANT
COMPASS ASIA, INC.**

Judge: Hon. Laurel Beeler
Courtroom: 4, 3rd Floor

22 WHEREAS, Plaintiffs filed the Complaint in this action on January 31, 2011 in the
23 Superior Court of the State of California in and for the County of San Francisco, case number
24 CFC-11-507771;

25 WHEREAS, Plaintiffs attempted to serve the Summons and Complaint on Defendant
26 Compass Asia, Inc. on February 2, 2011 in Taipei, Taiwan;

27 WHEREAS, Plaintiffs also attempted to serve the Summons and Complaint on defendant
28 Compass Asia, Inc.'s subsidiary, Compass Asia USA, Inc., on February 5, 2011, in Largo,
Florida;

WHEREAS, Plaintiffs there filed a First Amended Complaint on February 7, 2011 in the
Superior Court of the State of California in and for the County of San Francisco, case number
CFC-11-507771;

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1 WHEREAS, Plaintiffs attempted to serve the Summons and First Amended Complaint on
2 Defendant Compass Asia, Inc. on February 17, 2011 in Taipei, Taiwan;

3 WHEREAS, Plaintiffs attempted to serve the Summons and First Amended Complaint on
4 defendant Compass Asia, Inc.'s subsidiary, Compass Asia USA, Inc., on February 17, 2011, in
5 Largo, Florida;

6 WHEREAS, on March 24, 2011, Defendant Mueller Industries, Inc. filed a Notice of
7 Removal of Action Under 28 U.S.C. §§ 1441, 1446, and 1332 (Diversity) and Request for Jury
8 Trial;

9 WHEREAS, this action was removed to the United States District Court for the Northern
10 District of California, case number 4:11-cv-01428-LB;

11 WHEREAS, the parties dispute whether Service of Process occurred as required under
12 the Federal Rules of Civil Procedure;

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

15 1. The Default entered by the Clerk on June 6, 2011 against Defendant Compass
16 Asia, Inc. be set aside;

17 2. The Summons and First Amended Complaint in this action be deemed served on
18 July 5, 2011 such that Compass Asia, Inc.'s Answer under the Federal Rules of Civil Procedure,
19 shall be due on July 26, 2011;

20 3. The parties will participate in early Alternative Dispute Resolution ("ADR")
21 before engaging in any discovery, other than Federal Rule of Civil Procedure 2(g)(f) disclosures,
22 which are currently due on August 4, 2011;

23 4. Compass Asia, Inc. will not file any motions pending the outcome of ADR, but
24 does not waive any affirmative defenses by filing its Answer to the First Amended Complaint.

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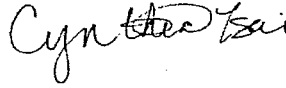
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IT IS SO STIPULATED, THROUGH COUNSEL OF RECORD.

Dated: July 19, 2011

Respectfully submitted,

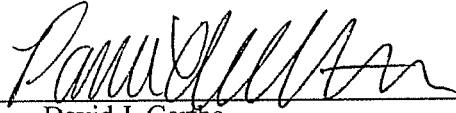
GORDON & REES LLP



By _____
Cynthia Tsai
Attorneys for Defendant
COMPASS ASIA, INC.

Dated: July 19, 2011

BOORNAZIAN JENSEN & GARTH

By  _____
David J. Garthe
Pamela L. Vartabedian
Attorneys for Plaintiffs
ANDERSON, ROWE & BUCKLEY, INC.,
OLD REPUBLIC GENERAL
INSURANCE CORPORATION

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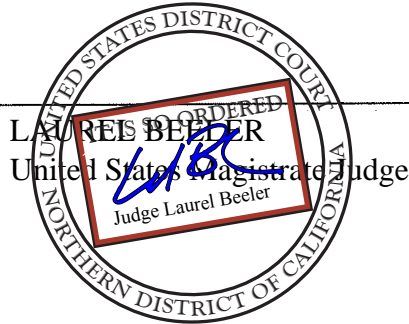
ORDER

Pursuant to the parties' Stipulation, the default entered against Defendant Compass Asia, Inc. on June 6, 2011 (Dkt. 15) is set aside. The First Amended Complaint shall be deemed served on July 5, 2011. Defendant Compass Asia, Inc. does not waive any affirmative defenses by filing its Answer to the First Amended Complaint.

Further, the parties will participate in early ADR before filing any motions or engaging in any discovery, other than Federal Rule of Civil Procedure 2(g)(f) disclosures, which are currently due on August 4, 2011.

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: August 3, 2011



LAUREL BEELER
United States Magistrate Judge
Judge Laurel Beeler