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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

JOSEPH GEOGHEGAN, et al.

Plaintiff(s),

v.

MONESSEN HEARTH SYSTEMS, et al.

Defendant(s).

No. C 12-2896 PJH

**ORDER GRANTING MOTION TO  
SET ASIDE ENTRY OF DEFAULT**

Before the court is defendants CFM Majestic U.S. Holdings, Inc. and CFM U.S. Corp.'s ("defendants") motion to set aside the default entered in this action on October 31, 2012. Plaintiffs have filed a non-opposition to defendants' motion. Based on plaintiffs' non-opposition, and on the strong public policy that generally disfavors default judgments in favor of resolving a case on its merits, the court GRANTS defendants' motion to set aside entry of default.

In their motion, defendants state their intention to file a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6). Defendants shall file that motion no later than January 9, 2013, and that motion shall be briefed in accordance with Civil Local Rule 7. Defendants' motion to dismiss will be heard on February 27, 2013, at 9:00am.

**IT IS SO ORDERED.**

Dated: January 3, 2013



PHYLLIS J. HAMILTON  
United States District Judge