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 MITSUI O.S.K. LINES, LTD.

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 8 UNITED STATES DISTRICT COURT
 9 NORTHERN DISTRICT OF CALIFORNIA
 10 SAN FRANCISCO DIVISION

11 MITSUI O.S.K. LINES, LTD.,

12 Plaintiff,

13 v.

14 SHINE INTERNATIONAL
 TRANSPORTATION (SHENZHEN)
 15 LIMITED and DOES ONE THROUGH
 TWENTY,

16 Defendants.
 17

Case No. 4:15-cv-03343-KAW

**STIPULATION TO SET ASIDE
 DEFAULT AND TO ACCEPT SERVICE
 OF AMENDED COMPLAINT;
~~PROPOSED~~ ORDER**

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 20 WHEREAS Defendant Shine International Transportation (Shenzhen) Limited ("Shine")
 21 has contacted plaintiff through counsel and advised that its default was entered due to
 22 miscommunication between Shine and its agent for service of process;

23 WHEREAS Shine advises that it intends to request that default be set aside based on a
 24 contention of mistake or excusable neglect;

25 WHEREAS plaintiff MITSUI O.S.K. LINES, LTD. ("MOL"), does not want to expend
 26 effort or waste judicial resources on a contested proceeding to set aside a default judgment;

27 WHEREAS MOL further intends, forthwith, to file an Amended Complaint adding two
 28 additional parties as defendants; and,

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WHEREAS, as a condition of setting aside the default, Shine expressly agrees that service upon it was proper and that it will accept service of MOL's Amended Complaint by email;

The parties hereby do stipulated and agree as follows:

- 1) That the default of Shine International Transportation (Shenzhen) Limited be set aside;
- 2) That MOL's forthcoming Amended Complaint will be deemed served upon Shine upon email transmission to Shine's counsel, undersigned below;

The parties respectfully request that the Court enter an order consistent with the foregoing.

Respectfully submitted,

Dated: November 25, 2015

CLYDE & CO US LLP

By: /s/ Conte C. Cicala

Conte C. Cicala
Attorneys for Plaintiff
MITSUI O.S.K. LINES, LTD.

Dated: November 25, 2015

GONZALEZ DEL VALLE LAW

By: /s/ Henry P. Gonzalez

Henry P. Gonzalez
Attorney-in-Fact
Shine International Transportation (Shenzhen)
Limited

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~~PROPOSED~~ ORDER

Pursuant to stipulation, and good cause having been shown thereby, this Court hereby
ORDERS as follows:

- 1) That the default of Shine International Transportation (Shenzhen) Limited is hereby set aside;
- 2) That MOL's forthcoming Amended Complaint will be deemed served upon Shine upon email transmission to Shine's counsel.

IT IS SO ORDERED.

Dated: 11/30/15


UNITED STATES MAGISTRATE JUDGE