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12 *Attorneys for Defendant*



13  
 14 **IN THE UNITED STATES DISTRICT COURT**  
 15 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 16 **OAKLAND DIVISION**

18 MYSFYT, INC., a California corporation,

19 Plaintiff,

20 v.

21 JAMES LUM, an individual; and DOES 1-20,  
inclusive;

22 Defendant.

Case No.: 16-cv-03813-KAW

**STIPULATION TO SET ASIDE CLERK’S  
 ENTRY OF DEFAULT AND EXTEND  
 TIME TO RESPOND TO COMPLAINT;  
 [PROPOSED] ORDER**

23  
 24 In accordance with Civ. L.R. 6-1(a) and 7-7(e), Plaintiff Mysfyt, Inc. (“Plaintiff”) and  
 25 Defendant Mr. James Lum (“Defendant”) (collectively, the “Parties”), by and through their respective  
 26 counsel, stipulate and agree as follows:

27 WHEREAS, Plaintiff filed its Complaint on July 7, 2016 (Dkt. 1);

28 WHEREAS, the Executed Summons was returned on August 15, 2016 (Dkt. 8);

1 WHEREAS, no answer was filed by Defendant;  
 2 WHEREAS, Plaintiff filed a Request for Entry of Default (Dkt. 10) on October 3, 2016;  
 3 WHEREAS, the Clerk entered default (Dkt. 13) on October 4, 2016;  
 4 WHEREAS, Defendant intends to and will file a responsive pleading in this case;  
 5 WHEREAS, Intellectual Property Law Group LLP was recently retained by Defendant in this  
 6 matter;

7 WHEREAS, the Parties wish to avoid unnecessary motion practice associated with the Entry  
 8 of Default and to allow time for Defendant to enter a responsive pleading;

9 NOW THEREFORE, based upon the foregoing recitals, IT IS HEREBY STIPULATED AND  
 10 AGREED by and between the Parties through their respective counsel of record, subject to the  
 11 approval of the Court, that the default entered by the Clerk on October 4, 2016 in the above-captioned  
 12 action shall be set aside and the case shall proceed as though no default had been entered, and  
 13 Defendant shall be allowed 21 days after the filing of this stipulation to respond to the Complaint;  
 14 and the Case Management Schedule shall be modified as follows:

Stipulated Date	Current Date	Event
11/11/2016	9/20/2016	Last day to meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan; file ADR Certification signed by Parties and Counsel; file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference
12/2/2016	10/4/2016	Last day to file Rule 26(f) Report, complete initial disclosures or state objection in Rule 26(f) Report and file Case Management Statement per Standing Order re Contents of Joint Case Management Statement
12/13/2016	10/11/2016	INITIAL CASE MANAGEMENT CONFERENCE (CMC) at 1:30 PM in: Ronald Dellums Federal Building 1301 Clay Street Oakland, CA 94612

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Respectfully submitted,

Dated: October 6, 2016

INTELLECTUAL PROPERTY LAW GROUP LLP

By: /s/ Bonnie J. Wolf  
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*Attorneys for Defendant*

Dated: October 6, 2016

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*\* Pursuant to Local Rule 5-1(i)(3), filing counsel attests that all other signatories listed, on whose behalf the filing is submitted, concur in the filing's content and have authorized the filing.*