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4   **E-FILED on**   8/21/09

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8   IN THE UNITED STATES DISTRICT COURT

9   FOR THE NORTHERN DISTRICT OF CALIFORNIA

10   SAN JOSE DIVISION

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United States District Court
For the Northern District of California

12   ADOBE SYSTEMS, INC.   No. C-09-1081 RMW

13   Plaintiff,

14   v.   ORDER DENYING MOTION FOR
                                               DEFAULT JUDGMENT, and
15   HUGO GALVEZ,   CONDITIONALLY GRANTING MOTION
                                               TO SET ASIDE DEFAULT
16   Defendant.   **[Re Docket Nos. 18 and 20]**

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19   Plaintiff's motion for default judgment and defendant's motion to set aside default came on

20   for hearing before the court on August 21, 2009. The parties appeared through counsel. Having

21   considered the parties papers and the arguments of counsel, and for good cause appearing, Plaintiff's

22   motion for default judgment is denied and defendant's motion to set aside entry of default is

23   conditionally granted. Specifically, defendant's motion is granted on condition that defendant

24   reimburse plaintiff for the costs and legal expenses plaintiff incurred in connection with seeking

25   entry of default and in connection with the motion for default judgment. Plaintiff's counsel shall file

26   and serve a declaration setting forth the costs and expenses incurred in connection with seeking

27   entry of default and the motion for default judgment on or before September 4, 2009. The court will

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ORDER DENYING MOTION FOR DEFAULT JUDGMENT, and CONDITIONALLY GRANTING MOTION TO SET ASIDE
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1 thereafter issue an order regarding the amount to be paid by defendant as a condition of setting aside

2 the default, and the date by which payment shall be made.

3   The Case Management Conference is continued to September 25, 2009 at 10:30 a.m.

5 DATED: 8/21/09

6   RONALD M. WHYTE
                                                 United States District Judge

ORDER DENYING MOTION FOR DEFAULT JUDGMENT, and CONDITIONALLY GRANTING MOTION TO SET ASIDE
DEFAULT—No. C-09-1081 RMW
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United States District Court
For the Northern District of California

1 **Notice of this document has been electronically sent to:**

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10 Counsel are responsible for distributing copies of this document to co-counsel that have not
    registered for e-filing under the court's CM/ECF program.

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15 **Dated:**   8/21/09   TER
                                                      Chambers of Judge Whyte

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ORDER DENYING MOTION FOR DEFAULT JUDGMENT, and CONDITIONALLY GRANTING MOTION TO SET ASIDE
DEFAULT—No. C-09-1081 RMW
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