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8 Attorney for Defendant  
 9 TGI Friday's, Inc.

10  
 11 **IN THE UNITED STATES DISTRICT COURT**  
 12  
 13 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**  
 14  
 15 **SAN JOSE DIVISION**

16 ALMA CLARISA HERNANDEZ, THERESA  
 17 WALLEN, RONALD MOORE,

18 Plaintiffs,

19 VS.

20 VALLCO INTERNATIONAL SHOPPING  
 21 CENTER, LLC; VALLCO SHOPPING MALL  
 22 LLC; GKK CUPERTINO OWNER; CUPERTINO  
 23 PROPERTY DEVELOPMENT I, LLC; JC  
 24 PENNEY PROPERTIES INC.; FEDERAL  
 25 DEPOSIT INSURANCE CORPORATION AS  
 26 RECEIVER FOR UNITED COMMERCIAL BANK;  
 27 ALEXANDER'S STEAKHOUSE INC. DBA  
 28 ALEXANDER STEAKHOUSE; AMERICAN  
 MULTI-CINEMA INC. DBA AMC THEATERS;  
 DAVID CHANG AND THO TRAN DBA APOLLO  
 AND TZ HAIR DESIGN; BENIHANA  
 NATIONAL CORPORATION DBA BENIHANA OF  
 TOKYO; JIMMY CHEN DBA CINNABON;  
 CLAIRE'S BOUTIQUE, INC. AND BONNIE  
 E. SCHAEFER DBA CLAIRE'S BOUTIQUE;  
 EUSON HUANG AND COLD STONE CREAMERY,  
 INC. DBA COLD STONE CREAMERY;  
 ALEXANDER GIVERTS DBA DOLLAR PLUS;  
 DYNASTY GROUP INC. DBA DYNASTY  
 SEAFOOD RESTAURANT; FREDERICK  
 SLATER, OD DBA FREDERICK SLATER

Case No. 5:10-CV-02848-LHK

**STIPULATION AND [PROPOSED]  
 ORDER TO VACATE DEFAULT**

1<sup>st</sup> Am. Complaint Filed:  
 July 27, 2010  
 Trial Date: None Set

**STIPULATION AND [PROPOSED] ORDER TO VACATE DEFAULT**

1 OPTOMETRISTS; HYUK DONG KWON DBA  
2 FASHION PLAZA; FRESH CHOICE, LLC DBA  
3 FRESH CHOICE #013; VALENTINE RYBKIN  
4 DBA GIFT PRINTS; GENERAL NUTRITION  
5 CORPORATION AND JOSEPH FORTUNTO DBA  
6 GENERAL NUTRITION CENTER; GOLDEN  
7 VISION OPTOMETRY, INC.; NOBUMITSU  
8 KOBAYASHI DBA GRAIN D'OR; THE  
9 GYMBOREE CORPORATION AND MATTHEW  
10 MCCAULEY DBA GYMBOREE RETAIL STORE;  
11 THOMAS HOWARD DBA HOWARD'S SHOES FOR  
12 CHILDREN, INC.; ICE CENTER  
13 ENTERPRISES, LLC; J.C. PENNEY  
14 COMPANY, INC, MEL NASH DBA LEGENDS  
15 OF SPORTS & FANTASY AKA LEGENDS  
16 COMICS & GAMES LLC; MACY'S  
17 DEPARTMENT STORES, INC.; MAXIS  
18 MANSOUR JALALVANDI DBA MAXI'S FINE  
19 JEWELERS; MEENU JHIGAN DBA PERFUME  
20 PLUS; SEARS, ROEBUCK AND CO.;  
21 STERLING CITY USA, INC. AKA STERLING  
22 CITY PROPERTIES, INC.; STRIKE  
23 HOLDINGS LLC AKA STRIKE CUPERTINO  
24 VFP, LLC DBA STRIKE; HASHIM BANGLESH  
25 AND MABEL GUNSKI DBA SPORTS ACTION;  
26 TGI FRIDAY'S INC.; DON HAMMAR DBA  
27 TOYS SPORTS CARDS; RAJASEKHAR MEKA  
28 AND WEST VALLEY INVESTORS, INC. DBA  
TUTTI FRUTTI; JAFAR BOLAND DBA  
VILLAGE RUGS; VICTORIA'S SECRET  
STORES, LLC; MCS CUPERTINO BUFFET,  
LLC DBA TATAMI BUFFET;

Defendants.

Plaintiffs and Defendant TGI Friday's, Inc. stipulate as follows:

1. On July 15, 2010 Plaintiffs served their original complaint, summons and related documents upon CSC-Lawyers Incorporating Service, agent for service of process for

**STIPULATION AND [~~PROPOSED~~] ORDER TO VACATE DEFAULT**

1 Defendant TGI Friday's, Inc.

2 2. On July 27, 2010 Plaintiffs filed their First Amended  
3 Complaint in this action.

4 3. On August 6, 2010 Plaintiffs filed their Application to  
5 Clerk for Entry of Default against TGI Friday's, Inc. as  
6 to the original complaint.

7 4. On August 10, 2010 the Court's clerk entered a notice of  
8 default on the original complaint as to TGI Friday's, Inc.

9 5. Because the parties would like to minimize fees and  
10 expenses in this action and focus efforts on advancing the  
11 case rather than engage in motion practice as to the  
12 propriety of the entry of default on the original  
13 complaint, Plaintiffs and Defendant TGI Friday's, Inc.  
14 hereby stipulate through their counsel that the notice and  
15 entry of default may be vacated by the Court.

16  
17 Dated: September 14, 2010

18  
19 Moore Law Firm, P.C.

20  
21 By: \_\_\_\_\_/S/\_\_\_\_\_

22 Tanya Moore  
23 Attorneys for Plaintiffs Alma Clarisa  
24 Hernandez, Theresa Wallen, and Ronald  
25 Moore

26 \_\_\_\_\_/S/\_\_\_\_\_

27 Evelyn L. Deaton  
28 Attorney for Defendant TGI Friday's, Inc.

**STIPULATION AND [~~PROPOSED~~] ORDER TO VACATE DEFAULT**

1 GOOD CAUSE APPEARING, IT IS SO ORDERED.  
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3 Dated: \_October 25, 2010\_  
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STIPULATION AND [~~PROPOSED~~] ORDER TO VACATE DEFAULT