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12 Attorneys for Defendants

13 BANK OF AMERICA, N.A, individually and as successor by merger to BAC HOME LOANS  
14 SERVICING, LP, EDRINA PAVEL, FEDERAL HOME LOAN MORTGAGE CORP., dba  
15 FREDDIE MAC

16 **THE LAW OFFICE OF PATRICIA A. BOYES**

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23 Attorney for Plaintiff  
24 OLGA URISTA

25 **UNITED STATES DISTRICT COURT**

26 **NORTHERN DISTRICT OF CALIFORNIA – SAN JOSE DIVISION**

27 OLGA URISTA, an individual,

28 Plaintiff,

v.

FEDERAL HOME LOAN MORTGAGE  
CORP., dba FREDDIE MAC, BANK OF  
AMERICA, N.A., BAC HOME LOANS  
SERVICING, LP, EDRINA PAVEL,  
CALCOUNTIES TITLE NATION and DOES  
1-10, inclusive,

Freddie Mac.

Case No. 5:11-cv-03097-HRL

**STIPULATION TO SET ASIDE  
DEFAULT**

DATE ACTION FILED: JUNE 6, 2011  
TRIAL DATE: NOT YET ASSIGNED

BRYAN CAVE LLP  
TWO EMBARCADERO CENTER, SUITE 1410  
201 CLAY STREET  
SAN FRANCISCO, CA 94111-3907

1 TO THE COURT IN THE ABOVE ENTITLED ACTION:

2 Defendant FEDERAL HOME LOAN MORTGAGE CORP. dba FREDDIE MAC

3 (“Defendant”) and Plaintiff OLGA URISTA (“Plaintiff”), through their counsel of record, hereby  
4 enter into the following stipulation to set aside the entry of default and request that the Court  
5 approve the stipulation and sign the order below.  
6

7 WHEREAS, Plaintiff filed the First Amended Complaint on October 26, 2011;

8 WHEREAS, Plaintiff served Defendant with the First Amended Complaint on November  
9 3, 2011;

10 WHEREAS, Plaintiff filed the Declaration of Scott M. Soto and the Return of Service on  
11 December 21, 2011;

12 WHEREAS, Plaintiff never served Freddie Mac with a Summons, in violation of Federal  
13 Rules of Civil Procedure 4;

14 WHEREAS, Plaintiff requested that the Court Clerk enter default against Defendant on  
15 December 21, 2011;

16  
17 WHEREAS, the Court Clerk entered default against Defendant on December 27, 2011;

18 WHEREAS, on January 3, 2012 the Court granted the Motion to Dismiss the First  
19 Amended Complaint, filed by Bank of America, N.A., individually and as successor by merger to  
20 BAC Home Loans Servicing, LP, Edrina Pavel, and CalCounties Title Nation. The Court  
21 dismissed Plaintiff’s Truth in Lending Act (TILA), 15 U.S.C. §1601, et seq., without leave to  
22 amend and dismissed the state claims, with leave to amend. Plaintiff was ordered to file a Second  
23 Amended Complaint, within fourteen (14) days from the date of the January 3, 2012 Order;

24  
25 WHEREAS, Plaintiff and Defendant have agreed to set aside the default entered against  
26 Defendant;  
27  
28

1 WHEREFORE, Plaintiff and Defendant stipulate as follows:

- 2 1. Plaintiff and Defendant agree and consent to set aside the entry of default against  
3 Defendant Federal Home Loan Mortgage Corp., dba Freddie Mac on December 27, 2011;  
4  
5 2. Plaintiff and Defendant agree and consent to allow Defendant's counsel of record  
6 to accept service of the Second Amended Complaint on Defendant's behalf;  
7  
8 3. Defendant will timely respond to the Second Amended Complaint.

9 Dated: January 5, 2012

10 THE LAW OFFICES OF PATRICIA A.  
11 BOYES

12 By: Patricia A. Boyes  
13 Patricia A. Boyes  
14 Attorney for Plaintiff  
15 OLGA URISTA

16 Dated: January 5, 2012

17 BRYAN CAVE LLP

18 By: Michelle M. Cannarata  
19 Michelle M. Cannarata  
20 Attorney for Defendant  
21 FEDERAL HOME LOAN MORTGAGE  
22 CORP., dba FREDDIE MAC  
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**ORDER**

Having reviewed the above stipulation of Defendant Federal Home Loan Mortgage Corp. dba Freddie Mac and Plaintiff Olga Urista and good cause appearing therefore, the entry of default against Defendant Federal Home Loan Mortgage Corp., dba Freddie Mac, on December 27, 2011, is hereby set aside.

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: January 9 2012.

  
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HOWARD R. LLOYD  
UNITED STATES MAGISTRATE JUDGE