

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

RICHARD JOHNSON,
Plaintiff,
v.
7-ELEVEN, INC, et al.,
Defendants.

Case No. 15-CV-02397-LHK

**ORDER GRANTING MOTION TO SET
ASIDE ENTRY OF DEFAULT**

Re: Dkt. No. 40

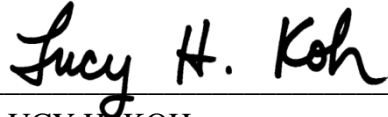
On December 23, 2015, Plaintiff Richard Johnson filed a motion for entry of default against Defendant Thu T. Cates (“Cates”). ECF No. 38. The Clerk subsequently entered default against Cates on December 31, 2015. ECF No. 39.

On January 14, 2016, Cates filed a motion to set aside default. ECF No. 40. Plaintiff filed a statement of non-opposition on January 21, 2016. ECF No. 42. In this filing, Plaintiff states that, “pursuant to Local Rule 7-3(b), Plaintiff does not oppose Defendant’s Motion to Set Aside Default so that Defendant finally appears in the action.” *Id.* at 1; *see also* Civil L.R. 7-3(b) (“If the party against whom [a] motion is directed does not oppose the motion, that party must file with the Court a Statement of Nonopposition.”). In light of Plaintiff’s statement of non-opposition, Cates’ motion to set aside entry of default is hereby GRANTED.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

IT IS SO ORDERED.

Dated: January 21, 2016



LUCY H. KOH
United States District Judge