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1769-0  
9064-0

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

EMERSON M.F. JOU, M.D.,

Plaintiff,

vs.

GREGORY M. ADALIAN, DOES 1-30,

Defendants.

CIVIL NO. CV 09-00226 JMS-KSC  
FINDINGS AND  
RECOMMENDATION TO DENY  
PLAINTIFF EMERSON M.F. JOU,  
M.D.'S MOTION FOR DEFAULT  
JUDGMENT (DOCKET # 9) AND  
**ORDER** GRANTING DEFENDANT  
GREGORY M. ADALIAN'S  
MOTION TO SET ASIDE ENTRY OF  
DEFAULT (DOCKET #12)

Hearing:

Date: September 28, 2009  
Time: 9:30 a.m.  
Judge: Kevin S.C. Chang

No Trial Date Set

**FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF  
EMERSON M.F. JOU, M.D.'S MOTION FOR DEFAULT JUDGMENT  
(DOCKET #9) AND  
ORDER GRANTING PLAINTIFF GREGORY M. ADALIAN'S MOTION  
TO SET ASIDE ENTRY OF DEFAULT (DOCKET #12)**

Plaintiff Emerson M.F. Jou, M.D.'s Motion For Default Judgment filed on July 31, 2009, and Defendant Gregory M. Adalian's Motion To Set Aside Entry Of Default filed on August 26, 2009, having come on for a hearing before the Honorable Kevin S.C. Chang, Judge of the above-entitled Court, on September 28, 2009, at 9:30 a.m., with Gary G. Grimmer, Esq. having appeared on behalf of Defendant Gregory M. Adalian and Stephen M. Shaw, Esq. having appeared on behalf of Plaintiff Emerson M.F. Jou, M.D., and the Court having heard the arguments and having been apprised of the record,

IT IS HEREBY ORDERED ADJUDGED AND DECREED THAT the Motion To Set Aside Entry of Default is GRANTED and IT IS HEREBY FOUND AND RECOMMENDED that the Motion for Default Judgment be DENIED.

DATED: Honolulu, Hawaii, November 12, 2009.



  
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Kevin S.C. Chang  
United States Magistrate Judge

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*Emerson M.F. Jou, M.D. v. Gregory M. Adalian, et al.*; Civil No. 09-00226-JMS-KSC, U.S. District Court, District of Hawaii; **FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF EMERSON M.F. JOU, M.D.'S MOTION FOR DEFAULT JUDGMENT (DOCKET #9) AND ORDER GRANTING DEFENDANT GREGORY M. ADALIAN'S MOTION TO SET ASIDE ENTRY OF DEFAULT (DOCKET #12)**

APPROVED AS TO FORM:

/s/ Stephen M. Shaw

STEPHEN M. SHAW, ESQ.

Attorney for Plaintiff

Emerson M.F. Jou, M.D.

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*Emerson M.F. Jou, M.D. v. Gregory M. Adalian, et al.*; Civil No. 09-00226-JMS-KSC, U.S. District Court, District of Hawaii; **FINDINGS AND RECOMMENDATION TO DENY PLAINTIFF EMERSON M.F. JOU, M.D.'S MOTION FOR DEFAULT JUDGMENT (DOCKET #9) AND ORDER GRANTING DEFENDANT GREGORY M. ADALIAN'S MOTION TO SET ASIDE ENTRY OF DEFAULT (DOCKET #12)**