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9 Attorneys for Defendant  
10 DOWNS NORTH BAKERSFIELD INC.

11 UNITED STATES DISTRICT COURT  
12 EASTERN DISTRICT OF CALIFORNIA

13 \* \* \* \* \*

14  
15 YOUSEF ABOU HARB,  
an individual,

16 Plaintiff,

17  
18 vs.

19 DOWNS NORTH BAKERSFIELD, INC.,

20 Defendants.

Case No.: 1:18-CV-00403-LJO-JLT

STIPULATION TO SET ASIDE  
DEFAULT AND TO ALLOW THE  
ANSWER FILED BY DEFENDANT  
DOWNS NORTH BAKERSFIELD TO  
STAND; ORDER THEREON  
(Doc. 11)

21  
22 Plaintiff YOUSEF ABOU HARB ("Plaintiff" and/or "Harb"), and Defendant  
23 DOWNS NORTH BAKERSFIELD INC. ("Defendants"), by and through their undersigned  
24 counsel, hereby stipulate as follows:

25 WHEREAS Plaintiff filed a complaint in the U.S. District Court-Eastern District of  
26 California against Defendant on March 23, 2018;

27  
28 WHEREAS Plaintiff submits that Defendant was served on March 29, 2018;

1 WHEREAS Defendant did not respond to the complaint by April 19, 2018:

2 WHEREAS Plaintiff requested an Entry of Default as to Defendant on or about May 9,  
3 2018;

4 WHEREAS the clerk of the Court entered a Default against Defendant on or about May  
5 10, 2018;

6 WHEREAS Defendant filed an Answer to the Complaint with Jury Demand on May 10,  
7 2018;

8 WHEREAS Defendant contends that it has a valid defense to the allegations contained  
9 in the Complaint, as well as can prove certain affirmative defenses raised against the allegations  
10 of the Complaint, as our set forth in its Answer which was filed with the Court on May 10,  
11 2018;

12 WHEREAS no party is prejudiced by having this matter proceed forward through the  
13 normal course of litigation.

14  
15 IT IS THEREFORE STIPULATED, pending execution of an order from this Court, that  
16 the Default of Defendant Downs North Bakersfield, Inc. entered May 10, 2018 be set aside and  
17 the Answer to the Complaint filed May 10, 2018 be allowed to stand as the Answer to the  
18 Complaint filed March 23, 2018.

19 IT IS SO STIPULATED.

LAW OFFICES OF RANDY RUMPH

20  
21 Date: May \_\_, 2018

By: \_\_\_\_\_/s/\_\_\_\_\_  
Randy Rumph, Esq.  
Attorneys for Plaintiff Yousef Abou HArb

22  
23  
24 CLIFFORD & BROWN

25 Date: May \_\_, 2018

By: \_\_\_\_\_/s/\_\_\_\_\_  
John R. Szewczyk, Esq.  
Attorneys for Defendant  
DOWNS NORTH BAKERSFIELD INC.

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**ORDER**

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3 GOOD CAUSE HAVING BEEN SHOWN AND THE PARTIES HAVING  
4 STIPULATED TO THE SAME, the Court finds that the above-stated Stipulation is approved  
5 and sanctioned by the Court and shall be and now is the Order of the Court. The Default entered  
6 against Defendant DOWNS NORTH BAKERSFIELD INC. on May 10, 2018 is hereby set aside,  
7 and the Answer filed by Defendant DOWNS NORTH BAKERSFIELD INC. on May 10, 2018  
8 will stand as the Answer to the Complaint filed March 23, 2018.  
9

10 IT IS SO ORDERED.

11 Dated: **May 23, 2018**

**/s/ Jennifer L. Thurston**  
UNITED STATES MAGISTRATE JUDGE