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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

MAINSTREAM MEDIA, EC,

Plaintiff,

v.

PETER RIVEN, et al.,

Defendants.

No. C 08-3623 PJH

**ORDER GRANTING MOTION TO
SET ASIDE DEFAULT**

Before the court is the motion of defendant Alexander Hydes for an order setting aside the default entered in the above-entitled action on January 28, 2009. Having read the parties' papers and carefully considered their arguments, and good cause appearing, the court hereby GRANTS the motion.

Defendant Hydes asserts in his motion that the entry of default was improper, and argues that he should be permitted to challenge the complaint with a motion to dismiss. Based on the dispute between the parties regarding service of the summons and complaint on defendant, the court will set aside the default and allow defendant to file a motion to dismiss, but cautions defendant that he must comply with the Federal Rules of Civil Procedure and the rules of this court.

Defendant shall file his motion to dismiss no later than April 27, 2009. That is, the motion papers must arrive at the court no later than April 27, 2009. Plaintiff's opposition shall be filed no later than May 18, 2009. If defendant wishes to file a reply to the opposition, he must do so by June 8, 2009. The court will decide the motion on the papers.

1 No hearing will be held.

2 The civil local rules of this court are available on the court's website, which is found
3 at www.cand.uscourts.gov. Also available on the court's website is the Pro Se Handbook,
4 which provides guidance regarding civil procedures in the U.S. District Court to litigants
5 who are proceeding without a lawyer.

6 Defendant is cautioned that any failure to follow the rules of this court may result in
7 sanctions, including the entry of default against him.

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9 **IT IS SO ORDERED.**

10 Dated: March 27, 2009



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12 PHYLLIS J. HAMILTON
13 United States District Judge
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