

FILED

JUL 10 2012

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**STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – LOS ANGELES**

In the Matter of)	Case No.: 10-O-06856-PEM
)	
NICOLE ROSIE GALLEGOS,)	ORDERS:
)	
Member No. 231744,)	(1) GRANTING MOTION TO SET
)	ASIDE DEFAULT; and
A Member of the State Bar.)	(2) VACATING SUBMISSION ORDER
_____)	

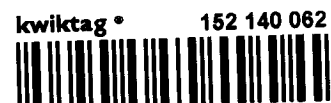
On June 25, 2012, respondent Nicole Rosie Gallegos, represented by attorney Paul J. Virgo, filed a motion to set aside her default entered on November 17, 2011.

On June 26, 2012, deputy trial counsel Jessica A. Lienau of the Office of the Chief Trial Counsel of the State Bar, filed an opposition.

The court finds respondent's late filing is excused by compelling circumstances beyond her control in that she has serious mental difficulties. (Rules Proc. of State Bar, rule 5.83(D)(3).)

While respondent clearly had defaulted in this matter, it is the policy of the court to favor, whenever possible, disposition on the merits. (*In the Matter of Navarro* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 192, 198.)

Therefore, having considered the parties' contentions, in the interest of justice, and good cause appearing, the court **ORDERS** as follows:



1. The motion to set aside respondent's default entered on November 17, 2011, is hereby **GRANTED**;
2. Respondent's response to the NDC, filed with the motion, is deemed filed and served as of the date this order is filed;
3. Respondent's inactive enrollment, pursuant to Business and Professions Code section 6007, subdivision (e), is terminated upon the filing of this order;
4. The order submitting default matter for decision filed June 19, 2012, is **VACATED**; and
5. The parties must appear at a telephonic status conference set for July 23, 2012, at 10:00 a.m.

IT IS SO ORDERED.

Dated: July 10, 2012


PAT McELROY
Judge of the State Bar Court

CERTIFICATE OF SERVICE

[Rules Proc. of State Bar; Rule 5.27(B); Code Civ. Proc., § 1013a(4)]

I am a Case Administrator of the State Bar Court of California. I am over the age of eighteen and not a party to the within proceeding. Pursuant to standard court practice, in the City and County of San Francisco, on July 10, 2012, I deposited a true copy of the following document(s):

ORDERS: (1) GRANTING MOTION TO SET ASIDE DEFAULT; and (2) VACATING SUBMISSION ORDER

in a sealed envelope for collection and mailing on that date as follows:

- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:
- PAUL JEAN VIRGO
9909 TOPANGA BLVD # 282
CHATSWORTH, CA 91311
- ☐ by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:
- ☐ by overnight mail at , California, addressed as follows:
- ☐ by fax transmission, at fax number . No error was reported by the fax machine that I used.
- ☐ By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:
- ☒ by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Jessica A. Lienau, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on July 10, 2012.


George Hue
Case Administrator
State Bar Court