

FILED

JUL 03 2013

**STATE BAR COURT
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LOS ANGELES**

STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – LOS ANGELES

In the Matter of)	Case No.: 12-O-10007
)	
EMEKA GODFREY ONWUALU)	ORDER SETTING ASIDE DEFAULT
)	AND SETTING STATUS CONFERENCE
Member No. 161868)	
)	
<u>A Member of the State Bar.</u>)	

On June 10, 2013, respondent Emeka Godfrey Onwualu filed a motion to set aside his default for failing to appear at trial. The State Bar opposes the motion.

The law favors a trial on the merits. Doubts in deciding whether to grant a motion to set aside a default are resolved in favor of the party seeking relief, and if that party has moved promptly for relief, only slight evidence will justify an order granting relief. (*Elston v. City of Turlock* (1985) 38 Cal.3d 227, 233.) Respondent attended the funeral of his sister in Africa. He was scheduled to return to the United States before the trial date. He became ill and was not able to return until after the trial date. Although there was some delay in seeking to set aside the default, it has not been significant.

The court concludes that respondent's failure to appear at trial was a result of his mistake, inadvertence, surprise, or excusable neglect within the meaning of Code of Civil Procedure, section 473, subdivision (b). The motion is therefore granted.

Respondent's involuntary inactive enrollment imposed by the court's March 6, 2013, order is terminated, effective as of the file date of this order. The order filed February 26, 2013, imposing discovery sanctions against respondent remains in effect.

A telephonic status conference is set for July 22, 2013, at 1:30 p.m. to discuss new trial and related dates.

IT IS SO ORDERED.

Dated: July 2, 2013


RICHARD A. PLATEL
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 Los Angeles, on July 3, 2013, I deposited a true copy of the following document(s):

ORDER SETTING ASIDE DEFAULT AND SETTING STATUS CONFERENCE

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

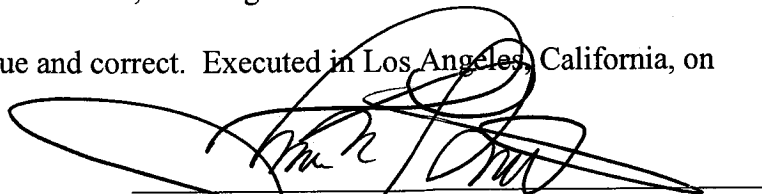
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

EMEKA G. ONWUALU
LAW OFFICES OF EMEKA GODFREY ONWUALU
708 E MANCHESTER BLVD STE C1
INGLEWOOD, CA 90301

- by interoffice mail through a facility regularly maintained by the State Bar of California addressed as follows:

Mia R. Ellis, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 3, 2013.



Johnnie Lee Smith
Case Administrator
State Bar Court