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STATE BAR COURT OF CALIFORNIA

HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case Nos.: 12-O-11559; 12-O-16427
)	
DONALD MAH)	ORDER SETTING ASIDE DEFAULT
)	
Member No. 158045)	
)	
<u>A Member of the State Bar.</u>)	

By orders filed December 27, 2012, respondent Donald Mah's default was entered for failing to file responses to the notices of disciplinary charges in the above numbered cases. As a result of his default, he was enrolled as an inactive member of the State Bar under Business and Professions Code 6007, subdivision (e)(1). On March 29, 2013, respondent filed a motion to vacate his default in both cases. The State Bar opposes the motion.

Respondent asserts that his default resulted from his inability to attend to his affairs as he normally would because of his clinical depression and a series of illnesses related to his diabetes. 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.) Although respondent's prior knowledge of these disciplinary cases and his failure to take steps promptly to protect his interests after learning of the filed charges in January 2013 are troubling, the court concludes that sufficient evidence has been presented to grant relief.


Good cause having been shown, the motion is granted and respondent's default is set aside in both cases. The case administrator is directed to file respondent's verified proposed responses to the disciplinary charges, which were submitted with his motion for relief from default.

Respondent's inactive enrollment under Business and Professions Code 6007, subdivision (e)(1), is terminated, effective upon the filing of this order. (Bus. & Prof. Code, § 6007, subd. (e)(2).)

A status conference will take place on **May 13, 2013** at the hour of **9:30 a.m.**, the status conference will be held in person at the State Bar Court, 180 Howard St., 6th Fl., San Francisco, CA 94105-1639.

IT IS SO ORDERED.

Dated: May 1, 2013



LUCY ARMENDARIZ
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 May 1, 2013, I deposited a true copy of the following document(s):

ORDER SETTING ASIDE DEFAULT

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

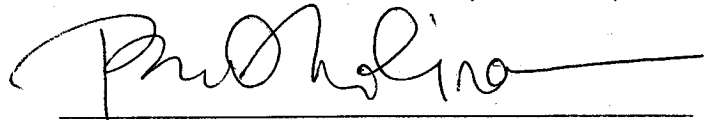
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at San Francisco, California, addressed as follows:

WILLIAM STEER REUSTLE
609 JEFFERSON ST STE G-1
FAIRFIELD, CA 94533

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

TAMMY A. ALBERTSEN-MURRAY, Enforcement, San Francisco

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on May 1, 2013.



Bernadette C.O. Molina
Case Administrator
State Bar Court