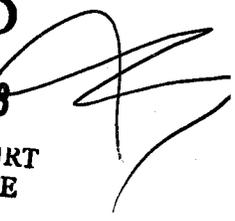


**FILED**

**JUL 22 2013**

**STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES**



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

|                                   |   |                                     |
|-----------------------------------|---|-------------------------------------|
| In the Matter of                  | ) | Case No.: 12-O-14360                |
|                                   | ) |                                     |
| <b>KIM M. SCHALL</b>              | ) |                                     |
|                                   | ) | <b>ORDER SETTING ASIDE DEFAULT;</b> |
| <b>Member No. 64563</b>           | ) | <b>SETTING STATUS CONFERENCE;</b>   |
|                                   | ) | <b>DENYING PETITION FOR</b>         |
| <u>A Member of the State Bar.</u> | ) | <b>DISBARMENT</b>                   |

On June 21, 2013, respondent Kim M. Schall filed a motion to set aside her default. The default was entered on November 29, 2012, because she failed to file a response to the Notice of Disciplinary Charges (NDC). The State Bar opposes the motion.

Respondent asserts that she believed in good faith that she had resigned from the practice of law and therefore did not need to file a response to the NDC. 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 knowledge of this disciplinary case and her failure to take steps promptly to protect her interests 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. Respondent is ordered to file an original verified response to the NDC within ten days of the service of this order.

Respondent's involuntary inactive enrollment imposed by the court's November 29, 2012, order is terminated, effective as of the date of this order.

A telephonic status conference is set for August 6, 2013, at 1:30 pm, to discuss new trial and related dates.

As respondent's default has been set aside, the State Bar's petition for disbarment filed June 11, 2013, is denied as moot.

**IT IS SO ORDERED.**

Dated: July 22, 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 22, 2013, I deposited a true copy of the following document(s):

**ORDER SETTING ASIDE DEFAULT; SETTING STATUS CONFERENCE; DENYING PETITION FOR DISBARMENT**

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

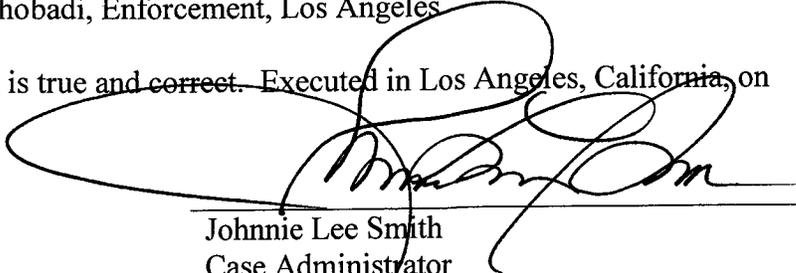
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

NOEL WESTERFELD SPAID  
2758 CAMINITO CEDROS  
DEL MAR, CA 92014

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

Maria L. Ghobadi, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 22, 2013.



Johnnie Lee Smith  
Case Administrator  
State Bar Court