

FILED

OCT 27 2015

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

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

In the Matter of)	Case No.: 14-N-04548 YDR
)	
RENE C. NUNEZ,)	ORDER GRANTING RESPONDENT'S
)	MOTION TO SET ASIDE DEFAULT
Member No. 226171)	
)	
<u>A Member of the State Bar.</u>)	


By order filed-stamped April 23, 2015, this court entered default and an order enrolling RENE C. NUNEZ ("Respondent"), as inactive pursuant to Rule 5.80 for failure to file a timely response to the notice of disciplinary charges, filed and properly and served on Respondent at his official membership address on January 26, 2015. On July 23, 2015, Respondent filed a motion to set aside entry of default on the grounds that Respondent failed to receive the notice of disciplinary charges as a result a fire-related displacement from his home. The declaration filed by Respondent in support of his motion to set aside entry of default was supported by evidence corroborating Respondent's explanation. However, Respondent did not file a verified copy of his proposed response, as required under Rules of Procedure of the State Bar of California, rule 5.83(E).

The Office of Trial Counsel, represented by Deputy Trial Counsel Nina Sarraf-Yazdi, Esq., filed an opposition to Respondent's motion to set aside default, on the grounds that Respondent's motion was procedurally defective and failed to establish by clear and convincing evidence a "mistake, inadvertence, surprise, or excusable neglect."

Respondent's motion to set aside default was denied without prejudice to allow Respondent to file a rule 5.83(E) compliant pleading. As Respondent filed a compliant Verified Response to Notice of Charges on October 15, 2015, this court **GRANTS** Respondent's motion to set aside default.

IT IS SO ORDERED.

Dated: October 26, 2015


YVETTE D. ROLAND
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 October 27, 2015, I deposited a true copy of the following document(s):

ORDER GRANTING RESPONDENT'S MOTION TO SET ASIDE DEFAULT

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

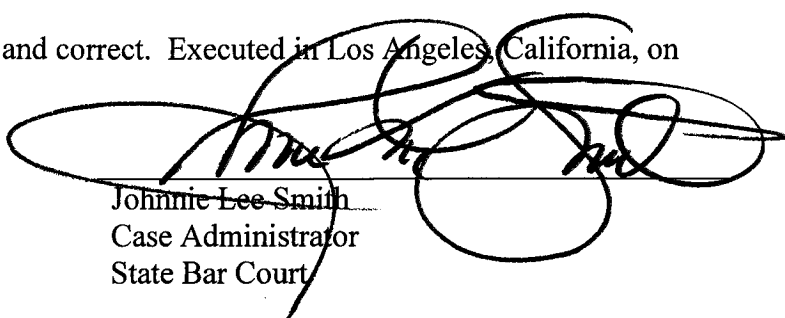
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

RENE C. NUNEZ
RENE C NUNEZ
225 ROSEMONT BLVD
SAN GABRIEL, CA 91775

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

ALEX HACKERT , Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on October 27, 2015.



Johnnie Lee Smith
Case Administrator
State Bar Court