

**FILED**

**JUL 05 2017**

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**STATE BAR COURT  
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LOS ANGELES**

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

In the Matter of	)	Case No. 16-N-15785-CV
	)	
	)	ORDER SETTING ASIDE DEFAULT;
RAAQIM A. S. KNIGHT,	)	TERMINATING INVOLUNTARY
	)	INACTIVE ENROLLMENT; AND
	)	SETTING CASE FOR STATUS
A Member of the State Bar, No. 217630.	)	CONFERENCE

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This matter is before the court on respondent RAAQIM A. S. KNIGHT'S June 8, 2017, motion to set aside his default, which the court entered on May 16, 2017, when respondent failed to appear for trial. The Office of Chief Trial Counsel of the State Bar of California (OCTC) opposes respondent's motion.

Even though a respondent attorney's default has been properly entered in a State Bar Court disciplinary proceeding, the respondent may have the default set aside because of "mistake, inadvertence, surprise or excusable neglect." (Rules Proc. of State Bar, rule 5.83(C).) When determining whether a respondent has met his or her burden to establish the requisite mistake, inadvertence, surprise, or excusable neglect, the court is to resolve all doubts in the respondent's favor because the law and the public policy of this state strongly favor the resolution of matters on the merits. (*In the Matter of Morone* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 207, 214-215, quoting *Elston v. City of Turlock* (1985) 38 Cal.3d 227, 233 [*Elston*



was superseded by statute on another point, see *Wilcox v. Birtwhistle* (1999) 21 Cal.4th 973, 978-980].)

Moreover, this court need only “require ‘very slight’ evidence to justify [setting aside a respondent’s default], as long as the granting of such relief will not cause prejudice [to OCTC]. [Citation.]” (*In the Matter of Carver* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 348, 354.)

Respondent’s motion was timely filed under Rules of Procedure of the State Bar, rule, rule 5.83(C)(2) (i.e., respondent filed his motion to set aside default within 45 days after the default order was served on him plus an additional 5 days as the default order was served on respondent by mail (Rules Proc. of State Bar, rule 5.28(A)). The record does not establish that OCTC will be prejudiced if respondent’s default is set aside.<sup>1</sup> Therefore, respondent need show very slight evidence of mistake, inadvertence, surprise, or excusable neglect to justify setting aside his default.

The court finds that the entry of respondent’s default was the result of respondent’s surprise, excusable neglect, or both. Even if respondent could have appeared for trial on May 16, 2017, had he acted more responsibly as OCTC aptly suggests, respondent has established that he failed to appear for trial because of the sudden and unforeseeable inoperability of his car on the morning of May 16. Respondent has established sufficient good cause for the court to grant his motion to set aside the default. (Rules Proc. of State Bar, rule 5.83(H)(1) [court may grant motion to set aside default upon a showing of good cause].)

### **ORDER**

The court orders that respondent Raaqim A. S. Knight’s June 8, 2017, motion to set aside his default is GRANTED; that the court’s May 16, 2017, entry of respondent’s default is SET

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<sup>1</sup> Inconvenience, even if significant and costly, does not establish prejudice.

ASIDE; that respondent's involuntary inactive enrollment under Business and Professions Code section 6007, subdivision (e) pursuant to this court's May 16, 2017, order is TERMINATED FORTHWITH;<sup>2</sup> and that the case is for an in-person status conference on **July 24, 2017, at 10:30 a.m.**

Dated: July 5, 2017.

  
\_\_\_\_\_  
CYNTHIA VALENZUELA  
Judge of the State Bar Court

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<sup>2</sup> Of course, this order does not affect respondent's ineligibility to practice law that has resulted or that may hereafter result from any other cause.

## 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 5, 2017, I deposited a true copy of the following document(s):

**ORDER SETTING ASIDE DEFAULT; TERMINATING INVOLUNTARY INACTIVE ENROLLMENT; AND SETTING CASE FOR STATUS CONFERENCE**

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

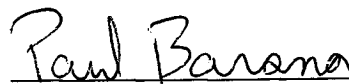
- ☒ by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**RAAQIM A.S. KNIGHT  
11301 W OLYMPIC BLVD # 438  
LOS ANGELES, CA 90064**

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

**SCOTT D. KARPFF, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on July 5, 2017.



Paul Barona  
Case Administrator  
State Bar Court