

FILED

MAR 15 2018

STATE BAR COURT  
CLERK'S OFFICE  
LOS ANGELES

STATE BAR COURT OF CALIFORNIA  
HEARING DEPARTMENT - LOS ANGELES

In the Matter of	)	Case No. 16-O-16764-CV
	)	
THOMAS MARK BURTON,	)	ORDER GRANTING RESPONDENT'S
	)	MOTION TO SET ASIDE DEFAULT
A Member of the State Bar, No. 35856.	)	
_____	)	

On March 5, 2018, respondent Thomas Mark Burton (respondent) filed a motion to set aside the default entered in this matter on December 18, 2017. The Office of Chief Trial Counsel (OCTC) filed a response on March 12, 2018, indicating that it was not opposed to respondent's motion. OCTC stated that it has entered into a stipulation as to facts, conclusions of law and disposition with respondent.

If a party in default moves promptly to seek relief, then the hearing judge may require "very slight evidence" to grant relief as long as granting relief will not cause prejudice. (*In the Matter of Carver* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 348, 354-355.) It appears to the court that respondent's failure to appear as a party at trial was a result of his mistake, inadvertence, surprise, or excusable neglect, within the meaning of Code of Civil Procedure section 473(b). (Rules Proc. of State Bar, rule 5.83(C).) Respondent mistakenly believed that he did not need to appear at trial because he was "in the midst of negotiating a settlement" with OCTC. The court finds that no prejudice would result from setting aside respondent's default in this matter.



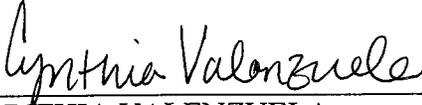
Having considered the parties' contentions and for good cause shown, the motion is **GRANTED** and the default entered on December 18, 2017 is set aside. (Rules Proc. of State Bar, rule 5.83(H).) Accordingly, it is further **ORDERED** that:

1. Respondent's inactive enrollment, pursuant to Business and Professions Code section 6007, subdivision (e), is terminated upon the filing of this order; and

2. The parties must appear at a status conference set for April 2, 2018 at 9:00 a.m. unless the stipulation referenced above is received by the court prior to that date.

**IT IS SO ORDERED.**

Dated: March 15, 2018

  
\_\_\_\_\_  
CYNTHIA VALENZUELA  
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 Court Specialist 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 March 15, 2018, 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:

**THOMAS MARK BURTON  
THOMAS MARK BURTON  
PO BOX 1619  
SALT LAKE CITY, UT 84110**

**Courtesy copy:  
THOMAS MARK BURTON  
9075 S. 1300 EAST  
SALT LAKE CITY, UT 84094**

- by email. Addressed as follows:

[thomasburtonlaw@aol.com](mailto:thomasburtonlaw@aol.com)  
[patrice.vallier-glass@calbar.ca.gov](mailto:patrice.vallier-glass@calbar.ca.gov)

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

**PATRICE N. VALLIER-GLASS, Enforcement, Los Angeles**

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on March 15, 2018.



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Erick Estrada  
Court Specialist  
State Bar Court