

FILED

JUN 02 2015

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

**STATE BAR COURT CLERK'S OFFICE
SAN FRANCISCO**

In the Matter of)	Case Nos.: 13-O-16607 (14-O-02064)-PEM
)	
MANUEL LOPEZ,)	ORDER: SETTING ASIDE DEFAULT;
)	FILING [PROPOSED] RESPONSE TO
Member No. 40235,)	NDC; TERMINATING INVOLUNTARY
)	INACTIVE ENROLLMENT; AND
A Member of the State Bar.)	SETTING STATUS CONFERENCE

On March 10, 2015, respondent Manuel Lopez filed a motion to set aside default, entered on February 20, 2015.¹ A [proposed] verified response was not submitted with respondent's motion to set aside default as required under rule 5.83(E) of the Rules of Procedure of the State Bar of California².

On March 24, 2015, the State Bar of California, Office of the Chief Trial Counsel (State Bar), by and through Deputy Trial Counsel Laura Bairamian, filed its opposition to respondent's motion.

On May 8, 2015, the Hearing Department of the State Bar Court (hearing department) issued its Order Regarding Request to Set Aside Default, wherein it granted respondent until, May 19, 2015, to submit a [proposed] verified response to the Notice of Disciplinary Charges (NDC) and further ordered, among other things, that respondent's motion to set aside default

¹ Respondent titled his motion to set aside default as his "Ex-Parte Petition to Set Aside Entry of Default."

² Unless otherwise indicated, all further references to rules are to the Rules of Procedure of the State Bar of California.

would be held in abeyance until that date. The court also ordered that if respondent submitted a [proposed] verified response, that response would be deemed by the court to have been submitted with respondent's March 10, 2015 motion to set aside default.

On May 18, 2015, respondent submitted his [proposed] verified response, which the court, hereby, deems to have been submitted with his previously filed motion to set aside default.

Having carefully considered the parties' pleadings and in light of all the relevant facts and circumstances, as well as longstanding public policy of resolving matters on the merits (*In the Matter of Morone* (Review Dept. 1990) 1 Cal. State Bar Ct Rptr, 207, 215 [law strongly favors resolution on merits; therefore, doubts are resolved in defaulted party's favor and orders denying relief scrutinized more closely]), the court finds that granting respondent's motion to set aside his default will advance the ends of justice and to deny respondent's motion will defeat those ends.³

In sum, the court finds good cause to grant respondent's motion to set aside the default and **ORDERS** as follows:

1. The motion to vacate and set aside respondent's default entered on February 20, 2015, is hereby **GRANTED**.
2. Respondent's [proposed] verified response to the NDC, which the court received on May 18, 2015, is ordered **FILED** as of the date of this order;

³ In *In the Matter of Carver* (Review Dept. 2014) 5 Cal. State Bar Ct. Rptr. 348, the review department noted that the revised disbarment provisions for defaulting members are aimed at members who have essentially abandoned their law licenses. In the instant matter, respondent's filing of a motion to set aside default and submitting a response to the NDC demonstrates that he has not abandoned his law license. Moreover, the State Bar has not identified or produced evidence of any prejudice that would result if the matter were to proceed on the merits.

3. Respondent's involuntary inactive enrollment, pursuant to Business and Professions Code section 6007, subdivision (e) is **TERMINATED**, effective as of the filing date of this Order; and
4. The parties must appear at a telephonic conference set for June 15, 2015, at 9:30 a.m.

IT IS SO ORDERED.

PAT MCELROY

Dated: June 2, 2015

PAT McELROY
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 June 2, 2015, I deposited a true copy of the following document(s):

ORDER: SETTING ASIDE DEFAULT; FILING [PROPOSED] RESPONSE TO NDC; TERMINATING INVOLUNTARY INACTIVE ENROLLMENT; AND SETTING 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 San Francisco, California, addressed as follows:

FRANKLIN SAMUEL ADLER
424 SOUTH BEVERLY DRIVE
BEVERLY HILLS, CA 90212

- by certified mail, No. , with return receipt requested, through the United States Postal Service at , California, addressed as follows:

- by overnight mail at , California, addressed as follows:

- by fax transmission, at fax number . No error was reported by the fax machine that I used.

- By personal service by leaving the documents in a sealed envelope or package clearly labeled to identify the attorney being served with a receptionist or a person having charge of the attorney's office, addressed as follows:

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

Lara Bairamian, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on June 2, 2015.


George Hue
Case Administrator
State Bar Court