

FILED

JUN 15 2017

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

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

In the Matter of)	Case No. 16-N-11046-YDR
)	
MICHAEL ROBERT MCCABE,)	ORDER VACATING ORDER
)	ENTERING DEFAULT AND ORDER
A Member of the State Bar, No. 137844.)	ENROLLING INACTIVE
_____)	

On August 31, 2016, the Office of Chief Trial Counsel (OCTC) filed and served on Respondent Michael Robert McCabe, a Notice of Disciplinary Charges in this proceeding. When Respondent subsequently failed to file a response to the NDC, OCTC filed and served a motion for the entry of Respondent's default on November 21, 2016. Respondent's default was thereafter entered on December 14, 2016. OCTC has now filed a petition seeking Respondent's disbarment pursuant to rule 5.85 of the Rules of Procedure of the State Bar of California.

Upon review and consideration of the papers filed in this matter, the court finds that the service of the NDC is defective because it was not sent to Respondent at his current membership records address. (Rules Proc. of State Bar, rule 5.25(B)).¹

Accordingly, the court orders that:

¹ Respondent submitted a change of address on August 24, 2016, before OCTC filed and served the NDC on August 31, 2016. But because the change of address was not entered by membership records until September 8, 2016, OCTC unknowingly served the NDC by certified mail, return receipt requested, to Respondent's old address in El Cajon, California, instead of his new address in Lakeside, California.

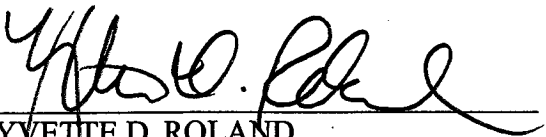
1. The December 14, 2016, order entering Respondent's default and enrolling him inactive under Business and Professions Code section 6007, subdivision (e), is hereby vacated, nunc pro tunc, to December 14, 2016;

2. OCTC's petition for disbarment filed on April 6, 2017, is moot, as the court is vacating the order entering Respondent's default in this matter; and

3. The May 16, 2017, order submitting this default matter for decision is hereby vacated.

IT IS SO ORDERED.

Dated: June 12, 2017



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 June 15, 2017, I deposited a true copy of the following document(s):

ORDER VACATING ORDER ENTERING DEFAULT AND ORDER ENROLLING INACTIVE

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

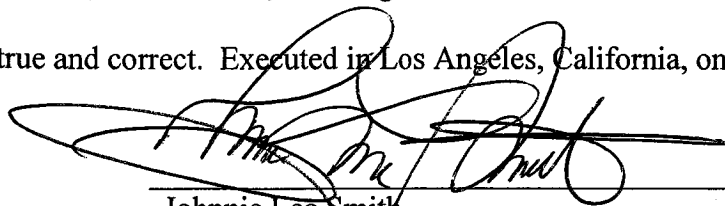
- by first-class mail, with postage thereon fully prepaid, through the United States Postal Service at Los Angeles, California, addressed as follows:

**MICHAEL R. MCCABE
12491 GAY RIO DR
LAKESIDE, CA 92040 - 5510**

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

STACIA L. JOHNS, Enforcement, Los Angeles

I hereby certify that the foregoing is true and correct. Executed in Los Angeles, California, on June 15, 2017.



Johnnie Lee Smith
Case Administrator
State Bar Court