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STATE BAR COURT OF CALIFORNIA
HEARING DEPARTMENT – SAN FRANCISCO

In the Matter of)	Case No.: 17-O-03824-MC
)	
STEPHEN ROY GIRARDOT,)	ORDER GRANTING MOTION TO SET
)	ASIDE DEFAULT; SETTING ASIDE
Member No. 164847,)	DEFAULT; TERMINATING
)	INVOLUNTARY INACTIVE
A Member of the State Bar.)	ENROLLMENT; AND SETTING STATUS
)	CONFERENCE

On December 12, 2018, Respondent Stephen Girardot filed a motion to set aside the default entered on December 4, 2018 in the captioned matter on the grounds of mistake and inadvertence. At the same time, Respondent filed an answer to the charges. Even though Respondent's default has been properly entered, Respondent may have the default set aside on the grounds of "mistake, inadvertence, surprise or excusable neglect" as those terms are interpreted under Code of Civil Procedure section 473. (Rules Procedure of the State Bar of California [Rules Proc. of State Bar], rule 5.83(C).)

On December 21, 2018, the Office of the Chief Trial Counsel (OCTC) filed an opposition to Respondent's motion. In its opposition, OCTC noted that Respondent's motion failed to include a separate declaration as required by rule 5.83(F) of Rules Proc. of State Bar. While Respondent's motion does not contain a separate declaration, it meets the general requirements



of rule 5.83(F). Moreover, OCTC does not identify a prejudice that it will endure if Respondent's default is set aside and this matter proceeds on the merits.

After carefully considering the parties arguments and in light of the strong public policy favoring the resolution of matters on their merits (see *In the Matter of Morone* (Review Dept. 1990) 1 Cal. State Bar Ct. Rptr. 207, 214-215), the court finds good cause to grant Respondent's motion to set aside the default. (Rules Proc. of State Bar, rule 5.83(H)(1) [hearing judge may grant motion to set aside default "upon a showing of good cause"].) IT IS ORDERED that:

1. The motion to set aside the default is **GRANTED** and the default entered on December 4, 2018 is **VACATED**.
2. Respondent's inactive enrollment, pursuant to Business and Professions Code section 6007, subdivision (e), is terminated upon the filing of this order.
3. The parties must appear at an in-person status conference on January 7, 2019, at 1:30 p.m.

IT IS SO ORDERED.

Dated: January 7, 2019


MANJARI CHAWLA
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 San Francisco, on January 7, 2019, I deposited a true copy of the following document(s):

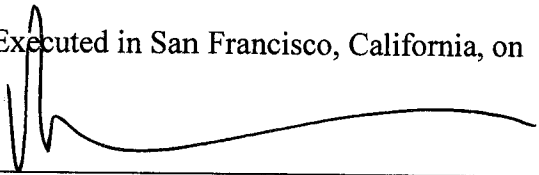
ORDER GRANTING MOTION TO SET ASIDE DEFAULT; SETTING ASIDE DEFAULT; TERMINATING INVOLUNTARY INACTIVE ENROLLMENT; AND SETTING STATUS CONFERENCE

By personally delivering a copy of said document(s) to:

DUNCAN C. CARLING
180 HOWARD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94105

STEPHEN R. GIRARDOT
180 HOWARD STREET, 6TH FLOOR
SAN FRANCISCO, CA 94105

I hereby certify that the foregoing is true and correct. Executed in San Francisco, California, on January 7, 2019.



Vincent Au
Court Specialist
State Bar Court