

1 **WO**

2

3

4

5

6

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

7

8

9

John Covington, et al.,

)

No. CV-07-955-PHX-FJM

10

Plaintiffs,

)

ORDER

11

v.

)

12

Patriot Motorcycles Corporation, et al.,

)

13

Defendants.

)

14

15

16

On December 7, 2008, this case was referred to the undersigned to conduct a settlement conference which is scheduled for next Tuesday, February 12, 2008. The settlement conference order was issued on December 17, 2007 and required counsel for each party to provide specific information in timely-filed settlement conference memorandum. (docket # 38)

21

On or about February 6, 2008, the undersigned received an emailed letter from attorney David G. Bray, counsel of record for Defendants Patriot Motorcycles Corporation, Michel Attias, and David Gernak, indicating, among other things, that essentially he, as their counsel, has had no communications with Defendant Michel Attias since September of 2006 and that counsel will be filing a motion to withdraw from his representation of Defendants Patriot Motorcycles Corporation and Michel Attias. As of today's date, no motion to withdraw has been filed. While defense counsel Bray will apparently continue to represent Defendant David Gernak, counsel's email fails to

28

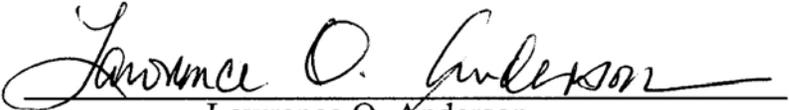
1 provide the detailed settlement conference information required by the December 17,
2 2007 settlement conference order. While the Court has received Plaintiff's timely-
3 provided settlement conference memorandum, nothing has been timely received from
4 Defendants Simon.

5 In light of the Defendants' failure to comply with the undersigned's
6 December 17, 2007 settlement conference order; defense counsel's anticipated motion to
7 withdraw as counsel for Defendants Patriot Motorcycles Corporation and Michel Attias
8 who may have abandoned this litigation and will likely not appear at the settlement
9 conference; and the futility of conducting a settlement conference without all of the
10 parties physically present and actively participating, the Court will vacate the settlement
11 conference and will await further direction from either the assigned District Judge or
12 stipulation between counsel to reset the matter as to certain parties provided there is full
13 compliance with this Court's settlement conference order.

14 Accordingly,

15 **IT IS ORDERED** that the February 12, 2008 settlement conference is
16 hereby **VACATED**. If Plaintiffs desire sanctions against Defendants for failure to comply
17 with court orders resulting in this order, they may file such a motion with the assigned
18 District Judge.

19 DATED this 7th day of February, 2008.

20 
21 _____
22 Lawrence O. Anderson
23 United States Magistrate Judge
24
25
26
27
28