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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

John Covington, et al.,
Plaintiffs,
v.
Patriot Motorcycles Corporation, et al.,
Defendants.

No. CV-07-955-PHX-FJM

ORDER

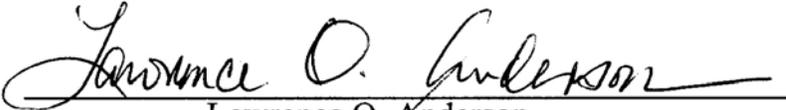
Defendants Simon’s Memorandum of Law, docket # 79, and Defendant Gernak’s Joinder Memorandum, docket # 80, do not comply with the undersigned’s August 28, 2008 written order, docket # 76, and the oral instructions clearly given to counsel at the August 27, 2008 hearing. Moreover, counsel demonstrate a lack of understanding of the order of things in a United States District Court. If the non-defaulted Defendants desire to defer the default damages hearing until the trial of this case, a decision contrary to the July 7, 2008 referral order, docket # 63, it is the decision of the assigned District Judge to make, not the referred Magistrate Judge. A memorandum was only needed in the event defense counsel of the non-defaulted Defendants did or did not wish to participate in the default damages hearing and, if so, the extent of that participation.

Accordingly,

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IT IS ORDERED that Defendants Simon’s Memorandum of Law, docket # 79, and Defendant Gernak’s Joinder Memorandum, docket # 80, are hereby **STRICKEN**. Defense counsel shall promptly reformulate their memoranda of law into a Motion to Withdraw the Reference and promptly file it for consideration and ruling by the Hon. Frederick J. Martone, United States District Judge, the trial Judge in this case.

DATED this 11th day of September, 2008.


Lawrence O. Anderson
United States Magistrate Judge