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UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES - GENERAL

Case No.	CV 06-3800 AHM (AJWx)	Date	December 3, 2008
Title	BIG SCREEN ENTERTAINMENT GROUP INC v. DAVIS		

Present: The Honorable	A. HOWARD MATZ, U.S. DISTRICT JUDGE
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Stephen Montes Deputy Clerk	Not Reported Court Reporter / Recorder	Tape No.
Attorneys NOT Present for Plaintiffs:	Attorneys NOT Present for Defendants:	

Proceedings: IN CHAMBERS (No Proceedings Held)

The Court DENIES Defendant’s Ex Parte Application for Order Vacating Final Judgment on Consent,¹ on procedural grounds and on the merits. Defendant has not established any reasons for proceeding *ex parte* rather than by way of noticed motion. *See Mission Power Engineering Co. v. Continental Cas. Co.*, 883 F.Supp. 488, 492 (C.D. Cal. 1995). On the merits, Defendant has not established that the consent judgment is *void ab initio* by virtue of the Court’s having inserted a jurisdictional provision into the proposed consent judgment prior to approving it. Nor has Defendant demonstrated that Plaintiff has breached the parties’ settlement agreement that was incorporated into the consent judgment.

Initials of Preparer _____ : _____
RJ

¹Dockets No. 241, 242, 243, 244.