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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA**

CALIFORNIA PIPE RECYCLING,  
INC.

Plaintiff,

vs.

SOUTHWEST HOLDINGS, INC., et al.,

Defendants.

CASE NO. CV F 08-0236 LJO SMS

**ORDER TO ADDRESS UNSATISFIED  
MATTERS AND TO RESET FURTHER  
STATUS CONFERENCE**

Date: October 7, 2009

Time: 8 a.m.

Dept.: 4 (LJO)

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This Court's July 29, 2009 order ("July 29 order") required the parties, no later than August 12, 2009, to address the correct amount of interpled funds and further required counsel Kerry Zeiler to initiate preparation of a stipulation and order of the amount of interpled funds to transfer to the Texas federal court. The July 29 order further required the parties, no later than September 14, 2009, to file papers with the Texas bankruptcy court to seek approval to compromise and/or dismiss plaintiff's declaratory relief claim. In addition, the July 29 order required the parties, no later than September 23, 2009, to file status reports to indicate the status of this action and recommendations to proceed.

The parties have disobeyed the July 29 order. No stipulation and order for the amount of interpled funds to transfer has been filed. The parties have filed no status reports to leave this Court unclear as to remaining issues in this action.

On the basis of good cause, this Court:

1. VACATES the September 30, 2009 telephonic status conference;
2. RESETS the telephonic status conference for October 7, 2009 at 8 a.m. in Department 4 (LJO). The parties's counsel shall appear at the conference by arranging a one-line

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conference call and adding the Court at (559) 499-5680. The parties' counsel shall be prepared to discuss the status of this action and recommendations to proceed; and

- 3. ORDERS the parties, no later than September 30, 2009, to file status reports to address the status of this action, including transfer of interpled funds and plaintiff's declaratory relief claim, and recommendations to proceed.

This Court elects to reset the status conference rather than issue an order to show cause why sanctions should not be imposed for disobedience of the July 29 order with the expectation that the parties will forthwith address this action's outstanding matters.

IT IS SO ORDERED.

**Dated: September 25, 2009**

**/s/ Lawrence J. O'Neill**  
**UNITED STATES DISTRICT JUDGE**