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Attorneys for Plaintiff,
JOHN KING

FILED
DEC 04 2013
CLERK, U.S. DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA
BY _____
DEPUTY CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

JOHN KING, an individual,

Plaintiff,

v.

EMERALD ENERGY, LLC, a
Delaware company, and RAY
ALLEN, an individual,

Defendants.

NO. 1:09-CV-02128-LJO-SMS

**STIPULATION AND ORDER TO
VACATE CONTESTED HEARING**

DATE: December 11, 2013
TIME: 1:00 p.m.
DEPT.: 1

This Stipulation is entered into by and between Plaintiff, JOHN KING ("Plaintiff"), and Defendant RAY ALLEN ("ALLEN"), on the following recitals, terms and agreements.

RECITALS

This Stipulation is entered into based on the following facts:

A. A Contested Hearing is currently scheduled for December 11, 2013, at 1:00 p.m., in Courtroom 1 of the above-entitled Court;

B. Plaintiff and Defendants are currently engaged in settlement negotiations and are trying to resolve the matter.

C. ALLEN has advised that progress is being made towards acquiring the funds to fully satisfy the judgment that is owed.

D. The parties are informed and believe that the non-party to be subpoenaed for the

1 Contested Hearing, Juanita McVay, currently resides in Las Vegas, Nevada, and therefore
2 pursuant to Federal Rule of Civil Procedure 45(c), her attendance at the Contested Hearing in this
3 judicial district cannot be compelled.

4 E. Compelling Ms. McVay's attendance at a contested hearing in a location authorized
5 by Federal Rule of Civil Procedure 45(c) would be unduly time consuming and expensive.

6 F. Therefore, the parties stipulate to take the Contested Hearing off-calendar.

7 **STIPULATION**

8 With the above facts taken into consideration, the adequacy and sufficiency of which are
9 hereby acknowledged, the parties stipulate and agree as follows:

10 1. The Contested Hearing set for December 11, 2013, at 1:00 p.m., shall be vacated.

11 IT IS SO STIPULATED.

12 Dated: December 2, 2013

COLEMAN & HOROWITT, LLP

13 /s/ Mary E. Krugh

14 By: _____

MARY E. KRUGH
Attorneys for Plaintiff
JOHN KING

15 /s/ Ray Allen

16 By: _____

RAY ALLEN
In Propria Persona

17 Dated: December 2, 2013

18 **ORDER**

19 Upon reading and reviewing the above Stipulation, and good cause therefor appearing,
20 IT IS HEREBY ORDERED as follows:

21 1. The Contested Hearing in this matter of December 11, 2013, is hereby ~~vacated~~

22 *continued to February 12, 2014 at 10:00 a.m.*

23 12/4/13

24 
25 _____
26 HON. SANDRA M. SNYDER
27 UNITED STATES DISTRICT JUDGE