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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAULO EUGENE GUINN,

CASE NO. 1:10-cv-00320-LJO-SKO

Plaintiff,

**ORDER CONTINUING THE
HEARINGS ON PLAINTIFF'S
COUNSEL'S MOTION TO
WITHDRAW AND DEFENDANTS'
MOTION TO ENFORCE THE
SETTLEMENT**

v.

J. STURM, et al.,

Defendants.

(Docs. No. 70, 72)

On October 5, 2012, Plaintiff's counsel filed a motion to withdraw as attorney of record for Plaintiff and set the motion to be heard on October 30, 2012. (Doc. 70.) On October 9, 2012, Defendants filed a motion to enforce the settlement agreement and set the motion to be heard on November 7, 2012.

Plaintiff's counsel's motion to withdraw did not provide the required 28-day notice to Plaintiff or Defendants. Further, the Court's calendar cannot accommodate a hearing on November 7, 2012, regarding Defendants' motion to enforce the settlement. Therefore, the Court continues the hearing dates for both motions to November 28, 2012. Plaintiff's personal appearance at the November 28,

1 2012, hearing is required.

2 Accordingly, IT IS HEREBY ORDERED that:

- 3 1. The hearing on Plaintiff's counsel's motion to withdraw is CONTINUED to
4 November 28, 2012, at 9:30 in Courtroom 7;
- 5 2. The hearing on Defendants' motion to enforce the settlement is CONTINUED to
6 November 28, 2012, at 9:30 a.m. in Courtroom 7;
- 7 3. The oppositions to these motions must be filed **no later than November 14, 2012**,
8 with any reply briefs due **no later than November 21, 2012**;
- 9 4. The status conference set for October 30, 2012, is VACATED;
- 10 5. **No later than October 31, 2012**, Plaintiff's counsel shall serve Plaintiff with the
11 following:
 - 12 a. Counsel's motion to withdraw as Plaintiff's attorney;
 - 13 b. Defendants' motion to enforce the settlement;
 - 14 c. A copy of this order;
- 15 6. **No later than November 2, 2012**, Plaintiff's counsel shall **file with the Court** a
16 certificate of service showing that Plaintiff was served with the documents listed
17 above; and
- 18 7. Plaintiff is ORDERED to appear personally at the November 28, 2012, hearing.

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20 IT IS SO ORDERED.

21 **Dated:** October 25, 2012

22 /s/ Sheila K. Oberto
23 UNITED STATES MAGISTRATE JUDGE
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