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5 Attorneys for Hilda L. Solis, Secretary of Labor,
6 United States Department of Labor, Plaintiff

7 UNITED STATES DISTRICT COURT FOR THE
8 EASTERN DISTRICT OF CALIFORNIA
FRESNO DIVISION

9 In re) District Ct. No. 1:10-CV-01847-AWI-JLT
10)
TIMOTHY JOHN HARDT fdba HARDEL,) Bankruptcy No. 09-62756-A-7
11 INC. fdba JOURNEY ELECTRICAL)
TECHNOLOGIES, INC. fdba THE) Adversary No.: 10-01206-A
12 FITNESS CENTRE, LLC DELAWARE fdba)
TRI STATE, INC. fdba THE FITNESS)
13 CENTRE LLC CA_101 and MICHELLE) ORDER CONTINUING SCHEDULING
RENE HARDT) CONFERENCE
14 Debtors.) (Doc. 20)
15)
HILDA L. SOLIS, Secretary of Labor,)
16 United States Department of Labor,)
17 Plaintiff,)
18 vs.)
19)
TIMOTHY JOHN HARDT fdba HARDEL,)
INC. fdba JOURNEY ELECTRICAL)
20 TECHNOLOGIES, INC. fdba THE)
FITNESS CENTRE, LLC DELAWARE fdba)
21 TRI STATE, INC. fdba THE FITNESS)
CENTRE LLC CA_101 and MICHELLE)
22 RENE HARDT,)
23 Defendants.

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1 Plaintiff Hilda L. Solis, Secretary, U.S. Department of Labor, and Defendant-Debtors
2 Timothy Hardt and Michelle Rene Hardt jointly move to continue the scheduling conference
3 set in this matter for 9:30 a.m., December 13, 2011, to **10:00 a.m., December 20, 2011**, as
4 follows.

5 There are four total cases involving the same or similar sets of parties currently
6 pending in this Court. The parties among the cases do not agree as to whether all such cases
7 qualify as “related” within the definition of the Local Rules. The four cases are:

8 a. This matter, an adversary proceeding known as: Hilda L. Solis v. Timothy Hardt et al.,
9 District Court Case No. 1:10-CV-01847-AWI-JLT;

10 b. A civil case known as Hilda L. Solis v. Timothy Hardt, Mark Dell Donne, and the
11 Journey Electrical Technologies, Inc. 401(k) Plan, District Court Case No. 1:10-CV-02283-
12 AWI-JLT;

13 c. An adversary proceeding known as: Mark Dell Donne, Journey Electrical
14 Technologies, Inc., and the Journey Electrical Technologies, Inc. 401(k) Plan v. Timothy
15 Hardt et al., District Court Case No. 10-CV-02014-AWI-JLT; and

16 d. A civil case known as Mark Dell Donne, Journey Electrical Technologies, Inc., and
17 the Journey Electrical Technologies, Inc. 401(k) Plan v. Herbert Hardt, L. David Brandon,
18 and Lisa Plank, District Court Case No. 1:10-CV-02341-AWI-JLT.

19 A scheduling conference in District Court Case No. 10-CV-02014-AWI-JLT is set for
20 10:00 a.m. on December 20, 2011. As the parties have agreed to coordinate scheduling
21 among the four cases, to conserve the resources of the parties and this Court the parties in
22 Case No. 1:10-CV-01847-AWI-JLT jointly move to continue the December 13, 2011
23 scheduling conference to 10:00 a.m. on December 20, 2011.

24 Dated: December 6, 2011

25 M. PATRICIA SMITH
Solicitor of Labor

26 LAWRENCE BREWSTER
Regional Solicitor

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BRUCE L. BROWN
Associate Regional Solicitor, Seattle

DANIELLE L. JABERG
Counsel for ERISA

By: /s/ Evan H. Nordby
EVAN H. NORDBY
Trial Attorney

Attorneys for Plaintiff
United States Department of Labor

Approved this 6th day of December, 2011:

By: _____
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Attorneys for Defendant-Debtors Timothy John Hardt
and Michelle Rene Hardt

ORDER

Good cause appearing, the scheduling conference currently set on December 13, 2011,
is continued to December 20, 2011 at 10 a.m.

IT IS SO ORDERED.

Dated: December 8, 2011

/s/ Jennifer L. Thurston
UNITED STATES MAGISTRATE JUDGE