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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA**

PETE’S SEATS, INC.,
Plaintiff,
v.
**PETE’S SPORTS AND ENTERTAINMENT,
LLC. and HENRY PETER WESELOH.**
Defendants.

Case No. 1:14-cv-00777- JLT
**ORDER GRANTING STIPULATION TO
CONTINUE THE STATUS CONFERENCE
RE: CONSENT/SCHEDULING
CONFERENCE**
(Doc. 11)

Before the Court is the stipulation of counsel to continue the scheduling conference.¹ (Doc. 11) Twice counsel have agreed that Defendants be allowed to delay filing their responsive pleading. (Docs. 9, 10) The basis for these previous agreements was that settlement efforts were underway. (Docs. 9, 10) Now counsel reports that, indeed, the parties have come to terms as to portions of the settlement but also report that Defendants intend to file a counterclaim. (Doc. 11 at 1) Thus, clearly, the parties do not intend to settle this matter.

Thus, the Court **ORDERS:**

1. The stipulation of counsel is **GRANTED**. Defendants **SHALL** file their responsive

¹ The initial conference will focus on issues surrounding whether the parties will consent to magistrate judge jurisdiction. If they will and agree to this before or at the hearing, the case will be scheduled at the hearing. If they won’t, the matter will be reassigned to a district judge sitting in Sacramento. Depending upon the preference of the district judge, the matter either will be set for further scheduling conference and the parties will be required to personally appear in Bakersfield or the judge will issue the scheduling order based upon the information contained in the joint statement without further conference with counsel.

1 pleading **no later than August 21, 2014**. In the event Defendants file a counterclaim, Plaintiff
2 **SHALL** file their responsive pleading no later than **September 10, 2014**;

3 2. The scheduling conference is **CONTINUED** to **October 8, 2014** at 9:00 a.m.
4 Telephonic appearances via the CourtCall service are authorized. Counsel SHALL comply with all
5 other requirements of the order setting mandatory scheduling conference (Doc.5) including the
6 requirement and timing of filing a joint scheduling conference statement.
7

8 **Absolutely no further extensions of time to respond to the pleadings will be considered**
9 **by the Court.**

10 IT IS SO ORDERED.

11 Dated: **August 20, 2014**

12 **/s/ Jennifer L. Thurston**
13 **UNITED STATES MAGISTRATE JUDGE**

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