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UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

J & J PRODUCTIONS, INC.,
Plaintiff,
v.
MARK THOMAS BAILEY, d/b/a MADD
BAILEYS,
Defendants.

No. 1:14-cv-01353-DAD-JLT
ORDER REFERRING THE MATTER TO
THE ASSIGNED MAGISTRATE JUDGE
FOR A SETTLEMENT CONFERENCE
(Doc. Nos. 31, 32, 33)

On November 9, 2016, the court reopened discovery in this matter and denied the parties’ cross-motions for summary judgment without prejudice. (Doc. No. 30.) That order provided that “[l]aw and motion is reopened so that renewed motions for summary judgment may be filed on or before Tuesday, February 7, 2017.” (*Id.* at 13.) That deadline passed without renewed motions for summary judgment being filed. Accordingly, on March 7, 2017, the court issued an order to show cause as to “why sanctions should not be imposed due [the parties’] failure to file renewed motions for summary judgment.” (Doc. No. 31 at 1.)

On that same day, defendant Mark Bailey responded to the order to show cause, reporting that “there was no additional evidence that would have caused a different ruling on a new motion for summary judgment, and therefore in the interest of judicial economy I did not file a redundant motion.” (Doc. No. 32 at 2.) However, defendant also noted that “[he] would be amenable to a

1 settlement conference if the Court is so inclined.” (*Id.* at 4.)

2 Likewise, on April 3, 2017, plaintiff J & J Productions, Inc. responded to the order to
3 show cause, stating “because Plaintiff did not have any additional evidence regarding the means
4 by which defendant obtained signal to the September 13, 2014 *Program* . . . I did not believe that
5 there was any rational hope a further filed summary judgment would be granted.” (Doc. No .33
6 at 2.) However, “Plaintiff and its counsel would welcome a Court ordered settlement conference
7 in August 2017 if counsel for the Parties have by Fourth of July been unsuccessful in formulating
8 settlement amongst themselves on behalf of their clients.” (*Id.*)

9 Accordingly, based upon the foregoing,

- 10 1) The March 7, 2017 order to show cause is discharged;
- 11 2) The matter is referred to the assigned Magistrate Judge for the scheduling of a
12 settlement conference some convenient time during August 2017; and
- 13 3) If the parties are successful in reaching a resolution of this matter prior to that time,
14 they may file a stipulation of dismissal pursuant to Federal Rule of Civil Procedure 41
15 and the settlement conference will be vacated.

16 IT IS SO ORDERED.

17 Dated: April 5, 2017

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19 _____
20 UNITED STATES DISTRICT JUDGE