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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

SQUARE D. COMPANY,

Plaintiff,

No. CIV S-08-1312 JAM EFB PS

vs.

CHAWN PHILLIP ANDERSON,
HEATHER MARIE APODACA,
formerly d/b/a AA & M ELECTRIC,
and AA & M ELECTRIC, INC.,

ORDER

Defendants.

Presently pending before this court are: (1) plaintiff's motion to compel discovery, scheduled for hearing on July 29, 2009, Dckt. No. 34, and (2) plaintiff's second amended motion for default judgment against defendant AA & M Electric, Inc., scheduled for hearing on October 21, 2009, Dckt. No. 35. For the following reasons, both motions will be rescheduled for hearing on September 2, 2009.

On January 14, 2009, after according the individual defendants adequate time to obtain counsel for AA & M Electric, Inc., which they failed to obtain, this court directed the Clerk of Court to enter the default of AA & M Electric, Inc. The court further ordered plaintiff to file its motion for default judgment within thirty days. Dckt. No. 21. The Clerk entered default on January 14, 2009. Dckt. No. 22. While plaintiff timely filed the motion for default judgment on

1 February 13, 2009, initially setting the matter for hearing on May 20, 2009, Dckt. No. 23,
2 plaintiff filed an amended motion on April 17, 2009, rescheduling the hearing for August 26,
3 2009, Dckt. No. 25, and then filed a second amended motion on July 20, 2009, rescheduling the
4 hearing for October 21, 2009.¹

5 As indicated by this court's previous order, filed January 14, 2009, it is important that
6 plaintiff's motion for default judgment clarify the identity and status of the defendants – as
7 among the individual defendants, their sole proprietorship, and the corporation – before this case
8 proceeds. The court's directive that plaintiff file a motion for default judgment within thirty
9 days contemplated a motion that would clarify this matter. However, plaintiff's motion for
10 default judgment, while timely filed, has been repeatedly rescheduled, and now postdates the
11 pending discovery matter.

12 Accordingly, IT IS HEREBY ORDERED that the pending motions are rescheduled to be
13 heard together on September 2, 2009, as follows:

14 1. Plaintiff's motion for default judgment against defendant AA & M Electric, Inc.,
15 Dckt. No. 25, is rescheduled for hearing on September 2, 2009, at 10:00 a.m., in Courtroom No.
16 25 (the previously scheduled hearing date of October 21, 2009, is vacated). The parties shall
17 brief this motion pursuant to the schedule set forth in E. D. Cal. L. R. 78-230.

18 2. Plaintiff's motion to compel discovery, Dckt. No. 34, is also rescheduled for hearing
19 on September 2, 2009, at 10:00 a.m., in Courtroom No. 25 (the previously scheduled hearing
20 date of July 29, 2009, is vacated). Notwithstanding the briefing schedule set forth in E. D. Cal.

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24 ¹ Meanwhile, plaintiff filed a motion to compel discovery on April 24, 2009, as amended
25 on April 27, 2009, and set the matter for hearing on May 13, 2009. Dckt. Nos. 27, 30. On May
26 11, 2009, plaintiff withdrew the motion. Dckt. No. 32. On July 10, 2009, plaintiff filed the
instant motion to compel discovery, and set the matter for hearing on July 29, 2009. Dckt. No.
34.

1 L. R. 37-251, the parties' joint statement shall be filed on or before August 26, 2009, in
2 accordance with the content requirements of that local rule.

3 SO ORDERED.

4 DATED: July 22, 2009.


5 EDMUND F. BRENNAN
6 UNITED STATES MAGISTRATE JUDGE
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