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

SERGEI PORTNOY, et al.,

Plaintiffs,

No. CIV S-08-1366 GGH PS

vs.

CITY OF DAVIS, et al.,

Defendant.

ORDER

_____/

Pursuant to court order, a Pretrial Conference was held on the record on October 22, 2009. Mr. Portnoy appeared in pro se. Mrs. Portnoy made no appearance. Susan DeNardo represented defendants. After conference, the court issues the following orders.

Mr. Portnoy was informed that he could not represent his wife in this action. He then indicated that his wife was deported to Georgia (the country), in August, 2009. Based on this new information, the undersigned vacated the pretrial conference. However, the parties indicated a willingness to engage in a settlement conference.

Therefore, the December 7, 2009 trial date will be vacated, and a settlement conference is scheduled for November 5, 2009 before Judge Brennan. The parties are free to resolve this case ahead of the settlement conference if they so wish.

In the event the case does not settle, a trial is re-scheduled for February 8, 2010, at 9:00 a.m. Plaintiffs are warned that failure to obey this court's status (pretrial scheduling) order issued May 6, 2009, will result in severe sanctions, including the dismissal of their case. That order requires a pretrial statement by each party, which includes a list of witnesses and exhibits

1 that plaintiffs intend to use at trial. See E.D. Local Rule 16-281. Mrs. Portnoy must appear and
2 participate in trial or her action will be dismissed.

3 Accordingly, IT IS ORDERED that:

4 1. The pretrial conference of October 22, 2009 is vacated.

5 2. A settlement conference is scheduled before the Honorable Edmund F. Brennan on
6 November 5, 2009, at 10:00 a.m. The parties shall submit confidential settlement conference
7 statements to Judge Brennan one no later than October 30, 2009. See E. D. Local Rule 16-270.

8 3. The December 7, 2009 trial date is continued to February 8, 2010 at 9:00 a.m. Mrs.
9 Portnoy is cautioned that if she does not appear for trial, her case will be dismissed.

10 4. If the case does not settle, plaintiffs must submit a pretrial statement which includes a
11 witness and exhibit list in accordance with E.D. Local Rule 16-281 no later than January 8, 2010.
12 Failure to submit a pretrial a statement will result in severe sanctions, including the possibility of
13 dismissal of this case.

14
15 DATED: October 23, 2009

/s/ Gregory G. Hollows

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17 _____
GREGORY G. HOLLOWES
U. S. MAGISTRATE JUDGE

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