

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

NATOMAS GARDENS INVESTMENT
GROUP LLC, a California
limited liability company,
ORCHARD PARK DEVELOPMENT
LLC, a California limited
liability company,

NO. CIV. S-08-2308 LKK/EFB

Plaintiffs,

v.

O R D E R

JOHN G. SINADINOS, et al.,

Defendants.

_____ /

A Status (Pretrial Scheduling) Conference was held on June 25,
2012 at 2:30 p.m., in Chambers. The Conference was attended by
counsel for the remaining parties to the litigation, except for pro
se defendant Margarita Leavitt. The parties have advised the court
that the matter has settled as between all parties, including the
counter-claims, and that all that remains is the collection of

////
////

1 signatures.¹ Counsel for plaintiffs, Natomas Gardens Investment
2 Group, LLC, and Orchard Park Development LLC, report that defendant
3 Leavitt will be dismissed from the lawsuit as part of the
4 settlement.²

5 Counsel for plaintiff Orchard Park reports that he will
6 withdraw as counsel for Orchard Park as part of the settlement,
7 leaving the company unrepresented, and that the company can then
8 be dismissed out, as it cannot proceed pro se.

9 Counsel for plaintiff Orchard Park has also advised the court
10 that Orchard Park is in bankruptcy. **Accordingly, if the Trustee**
11 **in bankruptcy must approve the dismissal of Orchard Park's lawsuit,**
12 **that approval must be made a part of the settlement papers in this**
13 **court.** If no approval is necessary, counsel will explain why not.

14 IT IS HEREBY ORDERED THAT:

15 1. Counsel are ORDERED to file dispositional documents for
16 this matter no later than twenty-one (21) days from the date of
17 this order;

18 2. A Status (Pretrial Scheduling) Conference is scheduled
19 for August 27, 2012 at 11:00 a.m. This conference will be vacated
20 if the dispositional documents (above) are timely filed.

21

22 ¹ Plaintiffs have filed a Notice of Settlement (Dkt. No. 392).
23 See E.D. Cal. R. 160. The court notes that counter-plaintiffs have
not filed such a document.

24 ² The court notes that despite the general lack of
25 participation by Ms. Leavitt in these proceedings, and the recent
return of mail sent to her (marked "Undeliverable"), she has filed
26 an Answer in this case (Dkt. No. 269), and therefore cannot be
dismissed without a court order.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

IT IS SO ORDERED.

DATED: June 26, 2012.



LAWRENCE K. KARLTON
SENIOR JUDGE
UNITED STATES DISTRICT COURT