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

10 TUMLINSON GROUP, INC.,

11 Plaintiff,

12 v.

13 SCOTT D. JOHANNESSEN, et al.

Case No. 2:09-cv-1089 JFM

14 Defendants.

15 _____/
16 SCOTT JOHANNESSEN, et al.,

17 Counterclaimant,

18 v.

19 TUMLINSON GROUP, INC.,

20 Counterdefendant.

21 _____/ ORDER

22 A hearing was held in this matter on October 7, 2010 at 11:00 a.m. Douglas
23 MacDonald appeared for plaintiffs. Defendant Scott Johannessen appeared in propria persona
24 and as counsel for Lorrie Johannessen. Upon consideration of the pleadings concerning
25 defendants' motion for judgment on the pleadings THE COURT ORDERS AS FOLLOWS:
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1 Defendants' motion for judgment on the pleadings presents a serious evidentiary
2 conflict between the parties. Defendants contend that requests for admission served on plaintiff
3 by mail on September 21, 2009 were admitted, because they were not responded to, and are,
4 essentially, dispositive of this action. Plaintiff's counsel has presented declarations of himself
5 and his legal secretary stating that the requests were not received. This issue requires resolution
6 at the start of trial which begins October 25, 2010.

7 On October 25, 2010 at 9:00 a.m. in Courtroom # 26 counsel shall appear and be
8 prepared to proceed with an evidentiary hearing to determine the status of the requests for
9 admissions referred to above. The court directs that plaintiff's counsel request that Ms. Judy
10 Sadek be present at the hearing. By the close of business on October 21, 2010 both counsel shall
11 brief the question of the status of the requests for admission.

12 Counsel shall be prepared to proceed with the trial as scheduled.

13 DATED: October 8, 2010.

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16 UNITED STATES MAGISTRATE JUDGE

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