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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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MOHIT RANDHAWA aka HARPAL
SINGH; SHANNON CALLNET PVT
LTD,

NO. CIV. 2:09-2304 WBS KJN

ORDER

Plaintiffs,

v.

SKYLUX INC., INTERACTIVE
INTELLIGENCE, INC., MUJEEB
PUZHAKKARAILLATH, SKYLUX
TELELINK PVT LTD; and DOES 1
through 20, inclusive,

Defendants.

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In a Joint Status Report filed August 10, 2012, the parties request clarification as to whether 1) the Skylux defendants' motion to dismiss filed on September 8, 2010 (Docket No. 90) was denied on the merits; and 2) whether the court intended the September 4, 2012 conference to constitute a scheduling conference under Federal Rule of Civil Procedure 16(b).

In its October 18, 2010 Order, the court denied the

1 Skylux defendants' motion to dismiss because, in the same Order,
2 the court granted plaintiffs' motion to stay the entire case due
3 to the overlap between the claims against Interactive and the
4 Skylux defendants. (See Docket No. 102 at 7.) The court never
5 addressed the merits of the Skylux defendants' motion to dismiss
6 and thus the motion was denied without prejudice to it being
7 refiled once the stay was lifted. The stay has now been lifted
8 and the Skylux defendants may file any motion provided for in the
9 Federal Rules of Civil Procedure.

10 Given the procedural history in this case, the court
11 has yet to hold a Status (Pretrial Scheduling) Conference
12 pursuant to Rule 16(b) and the court intended to set the
13 necessary deadlines and pretrial conference and trial dates at
14 the September 4, 2012 conference. Although the Skylux defendants
15 suggest the court should wait to hold a Rule 16(b) conference
16 until after the court rules on any motion to dismiss the Skylux
17 defendants may file, good case management requires the court to
18 establish deadlines to ensure this case proceeds now that the
19 stay has been lifted.

20 The court will therefore continue the September 4, 2012
21 conference to October 1, 2012 to give the parties adequate time
22 to confer, agree on a discovery plan pursuant to Rule 26(f), and
23 prepare a joint status report. The parties are directed to the
24 court's August 20, 2009 Order Re: Status (Pretrial Scheduling)
25 Conference (Docket No. 4) in preparing their Joint Status Report.

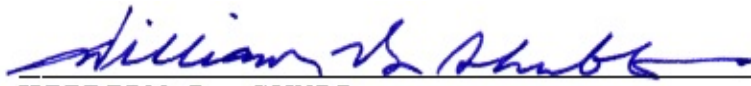
26 IT IS THEREFORE ORDERED that the scheduling conference
27 set for September 4, 2012 is continued to October 1, 2012 at 2:00
28 p.m. and the parties shall file a Joint Status Report no later

1 than September 17, 2012.

2 DATED: August 15, 2012

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A handwritten signature in blue ink, reading "William B. Shubb", written over a horizontal line.

WILLIAM B. SHUBB

UNITED STATES DISTRICT JUDGE

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