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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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J & J Sports Productions,
Inc.,

NO. CIV. S-09-3394 FCD/EFB

Plaintiff,

v.

MEMORANDUM AND ORDER

AMARJIT SINGH BRAR, et al.,

Defendants.

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This matter is before the court on plaintiff J & J Sports
Productions, Inc.'s ("plaintiff") motion to re-open the case.¹
Plaintiff moves to re-open the case on the ground that defendants
have failed to adhere to the terms of the parties' settlement
agreement. Pursuant to that agreement, on December 17, 2010 the
parties filed a Stipulation of Dismissal, agreeing to dismiss
this case without prejudice. (Docket #22.) Said Stipulation
expressly reserved the court's authority to enforce the

¹ Because oral argument will not be of material
assistance, the court orders this matter submitted on the briefs.
E.D. Cal. L.R. 230(g).

1 settlement agreement upon motion of a party, provided said motion
2 was filed by August 15, 2011. After that date, the parties
3 agreed that the dismissal was *with* prejudice, and the court was
4 without authority to set aside the dismissal or re-open the case.

5 (Id.)

6 Plaintiff asserts defendants have failed to pay plaintiff
7 the monies due under the agreement. By the instant motion
8 plaintiff seeks to re-open the case, setting aside the dismissal
9 and settlement agreement, in order to pursue this action against
10 defendants. Defendants did not respond to the motion.

11 As such, the court HEREBY GRANTS plaintiff's motion. The
12 Clerk of the Court is directed to open the case. The parties are
13 ordered to file a joint status conference statement within 30
14 days of the date of this order.

15 IT IS SO ORDERED.

16 DATED: June 7, 2011

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FRANK C. DAMRELL, JR.
20 UNITED STATES DISTRICT JUDGE
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