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9 UNITED STATES DISTRICT COURT
10 EASTERN DISTRICT OF CALIFORNIA

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12 J & J SPORTS PRODUCTIONS,
13 INC.

NO. CIV. S-10-1053 FCD/JFM

14 Plaintiff,

v.

MEMORANDUM AND ORDER

15 ROBERTA LUALA CURTIS, et al.,
16 Defendants.

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18 This matter is before the court on plaintiff J & J Sports
19 Productions, Inc.'s ("plaintiff") motion to set aside the
20 dismissal of the case and reopen the action, scheduling the
21 matter again for trial.¹ Previously, the parties filed a
22 Stipulation of Dismissal based on their private settlement of the
23 action. (Docket #11.) Plaintiff brings the instant motion on
24 the ground that defendant Roberta Luala Curtis, individually and
25 d/b/a Tierra Buena Tavern ("defendant"), has failed to comply

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

1 with the terms of the parties' settlement, including the failure
2 to pay a certain sum of money on or before January 15, 2011.
3 Defendant did not respond to the motion, and the court construes
4 the failure to respond as a non-opposition to the motion. E.D.
5 Cal. L.R. 230(c).

6 As such, the court GRANTS plaintiff's motion. The case is
7 HEREBY reopened. The parties are directed to file a joint
8 pretrial scheduling conference statement on or before April 15,
9 2011. The court will thereafter issue a scheduling order.

10 IT IS SO ORDERED.

11 DATED: March 21, 2011

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FRANK C. DAMRELL, JR.
UNITED STATES DISTRICT JUDGE