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

ENTREPRENEUR MEDIA, INC.,

Plaintiff,

No. MISC. S-10-55 JAM EFB

vs.

SCOTT SMITH dba
ENTREPRENEURPR,

Defendant.

ORDER

This miscellaneous action, in which defendant is *pro se*, was referred to the undersigned under Eastern District of California Local Rule 302(a). Presently noticed for hearing on December 21, 2011 is judgment creditor and plaintiff Entrepreneur Media, Inc.’s (“EMI”) motion for assignment of rights, a restraining order, and turnover order. Dckt. No. 79.

A judgment debtor examination of defendant and judgment debtor Smith occurred on November 16, 2011. Dckt. No. 100. Pursuant to this court’s October 17, 2011 order, if the judgment debtor examination mooted EMI’s motion for assignment of rights, a restraining order, and turnover order, EMI was directed to “withdraw that motion on or before December 2, 2011.” Dckt. No. 85 at 3. The October 17 order further provided that “[i]f new information arises as a result of the judgment debtor examination and the motion for assignment of rights, a restraining order, and turnover order is not withdrawn, Smith may file a revised opposition to the motion on

1 or before December 7, 2011.” *Id.* Additionally, EMI was permitted to “file a reply to Smith’s
2 opposition on or before December 14, 2011.” *Id.*

3 Because EMI did not withdraw the motion, on December 7, 2011, Smith filed a motion
4 for a 21 day extension of time to file a revised opposition to the motion. Dckt. No. 100. Smith
5 contends that based on emails he received from EMI’s attorney, he believes that “EMI will be
6 making knowingly false and misleading claims about [his] debtor exam.” *Id.* at 3; Ex. A. Smith
7 contends that he therefore needs “access to a copy of his debtor exam transcript so that he has the
8 opportunity to review and cite from the transcript for his revised opposition” *Id.* at 3-4.
9 Smith further contends that he contacted California Deposition Reporters about obtaining a copy
10 of the transcript, and was told that unless Smith paid nearly double the cost of the transcript to
11 have it expedited, the transcript would not be available until December 14, 2011. *Id.* at 4.

12 EMI opposes the request, arguing primarily that Smith does not need a copy of the
13 transcript in order to prepare and file his revised opposition. Dckt. No. 102 at 3. EMI also
14 argues that Smith has obtained many continuances in this action and that the “current request is
15 more of the same.” *Id.* at 5.

16 Although the court obviously cannot determine whether Smith *needs* to view a copy of
17 the judgment debtor examination transcript before filing his revised opposition, in light of
18 Smith’s representations that he intends to review and cite to it in his revised opposition, Smith’s
19 motion for an extension of time will be granted.

20 Accordingly, IT IS HEREBY ORDERED that:

21 1. Smith’s motion for an extension of time to file a revised opposition to EMI’s motion
22 for assignment of rights, a restraining order, and turnover order, Dckt. No. 100, is granted.

23 2. The hearing on EMI’s motion for assignment of rights, a restraining order, and
24 turnover order, Dckt. No. 79, is continued to February 1, 2012 at 10:00 a.m. in Courtroom No.
25 24.

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3. Smith may file a revised opposition to the motion on or before January 18, 2012.

4. EMI may file a reply to Smith's opposition on or before January 25, 2012.

Dated: December 12, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE