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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 February 1, 2012 is judgment creditor and plaintiff Entrepreneur Media, Inc.’s (“EMI”) motion for assignment of rights, a restraining order, and turnover order. Dckt. No. 79.

Although the hearing on the motion has already been continued twice, *see* Dckt. Nos. 85 and 105, on January 17, 2011, defendant and judgment debtor Smith filed a motion for a further 30-day continuance of the hearing and the deadline for Smith to file a revised opposition to the motion. Dckt. No. 108. Smith contends that the “[o]n January 10, 2012, the U.S. Court of Appeals for the Ninth Circuit, and without allowing oral argument, entered an unpublished and nonprecedential 3-page Memorandum affirming the Bankruptcy Appellate Panel’s ruling that Smith’s debt to EMI is nondischargeable in bankruptcy under 11 U.S.C. § 523(a)(6),” and Smith

1 contends that “he needs time to properly evaluate and respond to the Ninth Circuit’s ruling.” *Id.*
2 at 3. Smith contends that he has found an attorney who will assist him in appealing that ruling.
3 *Id.* at 4. Smith also states that he sent an email to EMI’s counsel informing him of the request
4 for a continuance but did not hear back. *Id.* at 4.

5 Although this court is cognizant of the numerous continuances in this case and is hesitant
6 to grant any further continuances, in light of the Ninth Circuit’s recent ruling, Smith’s current
7 request for a continuance will reluctantly be granted. However, Smith is admonished that no
8 further continuances will be granted absent a showing of substantial cause.

9 Accordingly, IT IS HEREBY ORDERED that:

10 1. Smith’s motion to continue the hearing on EMI’s motion for assignment of rights, a
11 restraining order, and turnover order, and Smith’s deadline to file a revised opposition thereto,
12 Dckt. No. 108, is granted.

13 2. The hearing on EMI’s motion for assignment of rights, a restraining order, and
14 turnover order, Dckt. No. 79, is continued to March 7, 2012 at 10:00 a.m. in Courtroom No.
15 24.

16 3. Smith may file a revised opposition to the motion on or before February 22, 2012.

17 4. EMI may file a reply to Smith’s opposition on or before February 29, 2012.

18 Dated: January 23, 2012.

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20 EDMUND F. BRENNAN
21 UNITED STATES MAGISTRATE JUDGE
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