

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

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

ENTREPRENEUR MEDIA, INC.,

Plaintiff,

No. 12:10-mc-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 October 10, 2012 is judgment creditor and plaintiff Entrepreneur Media, Inc.’s (“EMI”) motion for appointment of receiver of domain names and registered trademark. Dckt. No. 115. A judgment debtor examination of defendant and judgment debtor Smith is scheduled for October 17, 2012. Dckt. No. 121.

On September 26, 2012, Smith filed a motion for a ninety day extension of time to oppose the motion for appointment of a receiver. Dckt. No. 122. Smith also requests a ninety day continuance of the October 17, 2012 judgment debtor examination. *Id.* at 9. Smith contends that “[t]he attorney Smith reasonably believed would be assisting him to properly research and oppose EMI’s Motion for Appointment of Receiver, very recently informed Smith that she will

1 NOT be able to due to several recent and significant changes in her personal and professional
2 life.” *Id.* at 2. Smith further contends that he has found another attorney who will assist him,
3 Eric Mewes of Mewes & Steinfeld, but states that Mr. Mewes recently had surgery and is
4 currently recovering. *Id.* at 2-3. Smith contends that Mr. Mewes “intends to file a Declaration
5 confirming his intentions to come on board as Smith’s attorney, and in support of Smith’s
6 motion for time to oppose EMI’s Motion for Appointment of Receiver,” but due to his “current
7 situation and inability to get to and from his office or residence, it was not possible for him to
8 prepare and file his Declaration in time to be included with Smith’s motion for time.” *Id.* at 3.
9 Smith also states that he sent an email to EMI’s counsel requesting that he stipulate to a
10 continuance but EMI’s counsel declined to so stipulate. *Id.* at 6.

11 Although this court is cognizant of the numerous continuances in this case, in light of
12 Smith’s representations that he recently learned that the attorney he thought would assist him
13 will be unable to do so, and his representations that he has obtained new counsel who recently
14 had surgery, Smith’s request for a continuance will be granted.

15 Accordingly, IT IS HEREBY ORDERED that:

16 1. Smith’s motion to continue the hearing on EMI’s motion for appointment of a
17 receiver, Dckt. No. 122, is granted.

18 2. The hearing on EMI’s motion for appointment of a receiver, Dckt. No. 115, is
19 continued to January 16, 2013 at 10:00 a.m. in Courtroom No. 24.

20 3. The October 17, 2012 judgment debtor examination of Smith, Dckt. No. 121, is
21 continued to January 16, 2013 at 9:30 a.m. in Courtroom No. 24.

22 4. As soon as Smith’s counsel is able to do so, he shall file a notice of appearance in this
23 action pursuant to Eastern District of California Local Rule 182(a).

24 Dated: September 27, 2012.

25 
26 EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE