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

ENTREPRENEUR MEDIA, INC.,

Plaintiff,

No. 2:10-mc-55-JAM-EFB

vs.

SCOTT SMITH dba  
ENTREPRENEURPR,

Defendant.

ORDER

This miscellaneous action, in which defendant was proceeding *pro se*, was referred to the undersigned under Eastern District of California Local Rule 302(a) and 302(c)(21). *See* 28 U.S.C. § 636(b)(1). Presently noticed for hearing on April 17, 2013 is judgment creditor and plaintiff Entrepreneur Media, Inc.’s (“EMI”) motion for appointment of receiver of domain names and registered trademark. Dckt. Nos. 115, 124, 127. A judgment debtor examination of defendant and judgment debtor Smith is also scheduled for April 17, 2013. Dckt. Nos. 121, 124, 127. Both matters were continued from their originally noticed date of October 17, 2012 after Smith requested a ninety day extension, and were then continued an additional ninety days after Smith requested a second ninety day extension. Dckt. Nos. 122, 124, 125, 127.

On March 27, 2013, Smith filed a *third* motion for a ninety day extension of time to oppose the motion for appointment of a receiver and a *third* motion for a ninety day extension of

1 the judgment debtor examination. Dckt. No. 128. Smith contends that he “has been diagnosed  
2 with a serious and painful medical condition that is physically preventing him from being able to  
3 properly prepare for or attend [the judgment debtor examination], and from being able to  
4 properly maintain a continuous and close working relationship with his attorney, Eric Mewes.”  
5 *Id.* at 2. Smith also contends that Mewes “has been diligently working on Smith’s case, but  
6 because he is new on this complicated case that involves numerous issues and has roots dating  
7 back over 15 years, Mewes must frequently rely on Smith to be able to quickly provide  
8 information and documents that only Smith can provide.” *Id.* at 4. According to Smith, “due to  
9 Smith’s current medical condition, he has been unable to timely provide Mewes with the  
10 information and documents that Mewes needs to properly represent Smith in this proceeding.”  
11 *Id.* at 4-5.

12 Then, on April 2, 2013, Mewes filed a notice of appearance as Smith’s counsel in this  
13 case pursuant to Local Rule 182(a)(2), as well as an opposition to the motion for appointment of  
14 a receiver. Dckt. Nos. 129, 130. Because Smith is now represented by counsel, the referral of  
15 this case to the magistrate judge under Eastern District of California Local Rule 302(a) and  
16 302(c)(21) will be withdrawn and the case will be referred back to the district judge.<sup>1</sup>  
17 Accordingly, the April 17, 2013 hearing on EMI’s motion for appointment of a receiver, which  
18 is presently set before the undersigned, will be vacated. However, the April 17, 2013 judgment  
19 debtor examination, which is before the undersigned pursuant to Local Rule 302(c)(11), remains  
20 on calendar before the undersigned. E.D. Cal. L.R. 302(c)(11) (referring to the magistrate judges  
21 “[e]xaminations of judgment debtors in accordance with Fed. R. Civ. P. 69).

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24 <sup>1</sup> Smith’s current request for an extension acknowledges that “Pursuant to Local Rule  
25 302(c)(21), it appears that once Smith is no longer appearing in propria persona because he is  
26 being represented by attorney Eric Mewes, this case will be referred back to the presiding/  
assigned U.S. District Judge John A. Mendez, and these proceedings will be continued in order  
to be calendared onto Judge Mendez’s calendar.” Dckt. No. 128 at 5.

1           Because the hearing date on EMI's motion for appointment of a receiver is vacated, and  
2 Mewes has now filed an opposition to that motion on behalf of Smith, Dckt. No. 130, Smith's  
3 motion for an extension of time to oppose the motion is moot. Moreover, in light of Mewes'  
4 appearance in this action on behalf of Smith, it is unclear whether or why an extension of the  
5 April 17, 2013 judgment debtor examination is necessary. Therefore, that request for an  
6 extension will be denied.

7           Accordingly, IT IS HEREBY ORDERED that

8           1. Smith's motion for an extension of time to oppose the motion for appointment of a  
9 receiver and motion for an extension of the judgment debtor examination, Dckt. No. 128, is  
10 denied.

11           2. The referral of this case to the magistrate judge is withdrawn and the case is referred  
12 back to the district judge.

13           3. The April 17, 2013 hearing on EMI's motion for appointment of a receiver, Dckt. No.  
14 115, which is currently set before the undersigned, is vacated.

15           4. The April 17, 2013 judgment debtor examination of Smith, Dckt. No. 121, remains on  
16 calendar before the undersigned and will commence at 9:30 a.m. in Courtroom No. 8.

17 Dated: April 3, 2013.

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19 EDMUND F. BRENNAN  
20 UNITED STATES MAGISTRATE JUDGE  
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