

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. MISC. S-10-0055 JAM EFB

vs.

SCOTT SMITH dba  
ENTREPRENEURPR,

Defendant.

ORDER

\_\_\_\_\_ /  
This miscellaneous action, in which defendant proceeds *pro se*, was referred to the undersigned under Eastern District of California Local Rule 302(a). On January 14, 2011, plaintiff noticed for hearing before the assigned district judge a motion to appoint a receiver to sell certain domain names owned and/or controlled by the judgment debtor defendant.<sup>1</sup> Dckt. Nos. 24, 27. That hearing was noticed for March 9, 2011. On March 8, 2011, defendant filed a motion for a continuance of the March 9 hearing and for an extension of time to file an opposition to the motion to appoint a receiver. Dckt. No. 32. Defendant also filed an opposition to the motion to appoint a receiver on March 8. Dckt. No. 32-1. No hearing has yet been held on the motion to appoint a receiver. Accordingly, defendant's motion for a continuance of the

\_\_\_\_\_ /  
<sup>1</sup> Plaintiff was directed by the undersigned to notice the motion for hearing before the district judge. Dckt. No. 26.

1 hearing will be granted, and a hearing on the motion will be set before the undersigned.  
2 Additionally, defendant's motion for an extension of time to file an opposition will be granted;  
3 therefore, the court will consider the opposition defendant filed on March 8, 2011.

4         Additionally, on February 11, 2011, defendant filed a motion to quash a third party  
5 subpoena, a motion for a protective order, and a motion for sanctions. Dckt. No. 29. However,  
6 because the motions were not noticed for hearing, defendant was advised to do so. Dckt. No. 31.  
7 Defendant still has not noticed the motions for hearing. Therefore, on March 9, 2011, plaintiff  
8 filed a motion for the court to set a hearing on the motions. Dckt. No. 33. Plaintiff's request for  
9 the court to set a hearing on the motions will be granted and a hearing on the motion to quash,  
10 motion for a protective order, and motion for sanctions will be set before the undersigned.

11         Finally, on February 24, 2011, defendant filed a request for leave to file electronically in  
12 this action. Dckt. No. 30. The Local Rules provide that "[a]ny person appearing pro se may not  
13 utilize electronic filing except with the permission of the assigned Judge or Magistrate Judge."  
14 Local Rule 133(b)(2). "Requests to use paper or electronic filing as exceptions from these Rules  
15 shall be submitted as stipulations as provided in L.R. 143 or, if a stipulation cannot be had, as  
16 written motions setting out an explanation of reasons for the exception. Points and authorities  
17 are not required, and no argument or hearing will normally be held." Local Rule 133(b)(3).

18         Defendant's request for leave to file electronically does not indicate whether a stipulation  
19 could be had, as provided in Local Rule 133(b)(3). However, the request does provide reasons  
20 for the exception. Therefore, the undersigned finds that defendant should be permitted to utilize  
21 the court's electronic filing and case management system ("CM/ECF"), and defendant's request  
22 for leave to electronically will be granted.

23         Accordingly, IT IS HEREBY ORDERED that:

24         1. Defendant's request for a continuance of the hearing on plaintiff's motion to appoint a  
25 receiver, Dckt. No. 32, is granted.

26         ////

1           2. A hearing on plaintiff's motion to appoint a receiver, Dckt. No. 24, is set before the  
2 undersigned on April 13, 2011 at 10:00 a.m. in Courtroom No. 24.

3           3. Defendant's request for an extension of time to file an opposition to plaintiff's motion  
4 to appoint a receiver, Dckt. No. 32, is granted. Therefore, the court will consider the opposition  
5 filed by defendant on March 8, 2011. Dckt. No. 32-1.

6           4. Plaintiff may file a reply to defendant's opposition on or before April 6, 2011.

7           5. Plaintiff's request for the court to schedule a hearing on defendant's motion to quash,  
8 motion for a protective order, and motion for sanctions, Dckt. No. 33, is granted.

9           6. A hearing on defendant's motion to quash, motion for a protective order, and motion  
10 for sanctions, Dckt. No. 29, is set before the undersigned on April 13, 2011 at 10:00 a.m. in  
11 Courtroom No. 24.

12           7. Plaintiff shall file an opposition or a statement of non-opposition to defendant's  
13 motion to quash, motion for a protective order, and motion for sanctions on or before March 30,  
14 2011.

15           8. Defendant may file a reply to plaintiff's opposition, if any, on or before April 6, 2011.

16           9. Defendant's request for leave to file electronically in this action, Dckt. No. 30, is  
17 granted. The Clerk of Court shall contact defendant in order to facilitate defendant's  
18 participation in the CM/ECF system.

19           SO ORDERED.

20           DATED: March 15, 2011.

  
EDMUND F. BRENNAN  
UNITED STATES MAGISTRATE JUDGE