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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

On December 2, 2011, the parties filed a stipulation and proposed order regarding the subpoena plaintiff issued to Chase Bank, N.A., and regarding defendant and third party Karen Mix’s motions to quash that subpoena, for a protective order, and for sanctions, Dckt. Nos. 29 and 37. Based upon that stipulation, IT IS HEREBY ORDERED that:

1. Defendant and third party Karen Mix’s motions to quash, for a protective order, and for sanctions, Dckt. Nos. 29 and 37, are deemed withdrawn and the December 21, 2011 hearing thereon is vacated.¹

¹ As a result, the parties are not required to file briefs relating to those motions, as provided in the October 17, 2011 order. Dckt. No. 85 at 3, 4. However, because it appears that plaintiff’s motion for assignment of rights, a restraining order, and a turnover order, Dckt. No. 79, remains on calendar on December 21, 2011, the parties shall file briefs relating to that motion as provided in the October 17, 2011 order. *Id.* at 3.

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2. The subpoena plaintiff served upon Chase Bank for production of certain consumer records for and on behalf of Karen Mix is deemed withdrawn and shall be recalled by plaintiff.

3. Any and all claims for sanctions, costs, or fees asserted by the parties regarding the motion to quash and motion for a protective order are deemed withdrawn and waived.

4. Within three days of the date of this order, plaintiff's counsel shall serve a copy of this order on Chase Bank.

SO ORDERED.

DATED: December 5, 2011.


EDMUND F. BRENNAN
UNITED STATES MAGISTRATE JUDGE