

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

GEORGE S. LOUIE,

Plaintiff,

No. 2:11-cv-00108 JAM KJN PS

v.

STOMER FAMILY 2000 REVOCABLE
TRUST dba STROMER REALTY, et al.,

Defendants.

ORDER

By order filed January 4, 2013, the court continued the stay in this case for approximately six (6) months, and ordered status reports to be filed on or before July 12, 2013. (Dkt. No. 99.)¹

Thereafter, on February 14, 2013, intervening non-party lien claimant Elena Sadur (“Sadur”) filed a motion to modify the stay presently in place. (Dkt. No. 101.) The motion is presently set for hearing on March 21, 2013, and Sadur’s attorney has filed a request for a telephonic appearance at the hearing. (Dkt. No. 104, 111.) After reviewing the papers in support of the motion, the court finds that oral argument would not be of material assistance in deciding the motion and resolves the motion on the record and briefing submitted. See E.D. Cal. L.R.

¹ This case proceeds before the undersigned pursuant to E.D. Cal. L.R. 302(c)(21) and 28 U.S.C. § 636(b)(1).

1 230(g).

2 Sadur requests that the stay in this case be modified to allow her to file liens in
3 any other case in which plaintiff George Louie is a plaintiff. However, Sadur does not explain
4 why, or provide any authority that, the present stay in this case would impact her ability to file
5 liens in other cases. The liabilities allegedly owed by plaintiff to Sadur do not derive from this
6 case, but instead from judgments *in other cases*. Sadur is merely a non-party lien claimant in this
7 case, attempting to enforce her rights as a judgment creditor of judgments entered in other cases.
8 As such, any stay in this particular case does not preclude Sadur from pursuing her rights derived
9 from another case in other non-stayed cases. Therefore, the court denies Sadur's motion to
10 modify the stay.

11 The court also observes that attorney Keith Cable, who has represented and still
12 represents plaintiff in other lawsuits in this court, filed several documents in opposition to
13 Sadur's motion and request for telephonic appearance, ostensibly on plaintiff's behalf. The court
14 has disregarded such filings (and any responsive filings by Sadur), because Mr. Cable is not a
15 party to this case and has not entered an appearance on behalf of plaintiff, who is presently
16 proceeding without counsel. If Mr. Cable intends to substitute in as counsel for plaintiff,
17 especially in light of plaintiff's apparent illness, Mr. Cable shall file a notice of appearance
18 within 28 days of this order.

19 Accordingly, IT IS HEREBY ORDERED that:

20 1. The March 21, 2013 hearing on non-party lien claimant Sadur's motion to
21 modify the stay is VACATED.

22 2. Sadur's request for a telephonic appearance (dkt. no. 111) is DENIED AS
23 MOOT.

24 3. Sadur's motion to modify the stay (dkt. no. 101) is DENIED.

25 4. If attorney Keith Cable intends to represent plaintiff in this action, he shall file

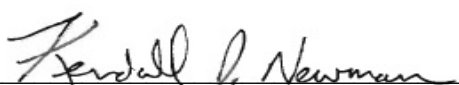
26 ///

1 a notice of appearance within 28 days of this order.

2 IT IS SO ORDERED.

3 DATED: March 13, 2013

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


KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE