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

| | | |
|----------------------------------|---|--------------------------------|
| DUANE H. SCEPER, |) | |
| |) | 2:11-cv-02190-GEB-DAD |
| Plaintiff, |) | |
| |) | <u>ORDER CONTINUING STATUS</u> |
| v. |) | <u>(PRETRIAL SCHEDULING)</u> |
| |) | <u>CONFERENCE</u> |
| DIANA R. HAY; DIANA R. HAY dba |) | |
| Elegant Home Furnishings; |) | |
| WILLIAM R. SCHMITT, TRUSTEE; |) | |
| SCHMITT FAMILY TRUST; and DOES 1 |) | |
| through 10, Inclusive, |) | |
| |) | |
| Defendants. |) | |
| _____ |) | |

Plaintiff states in his Status Report filed October 27, 2011: "Defendants were served on August 25 and 29, 2011[;]" "Plaintiff anticipates settlement with SCHMITT defendants" and "[d]efault as to Defendant HAY was entered on October 27, 2011." (ECF No. 8.)

Plaintiff also states: "Motion for Default Judgment will be filed and Prove-up Hearing on Default Judgment will be scheduled within 60 days." Id. 2:14-15. Therefore, Plaintiff shall file a motion for entry of default judgment against Defendant Hay before the Magistrate

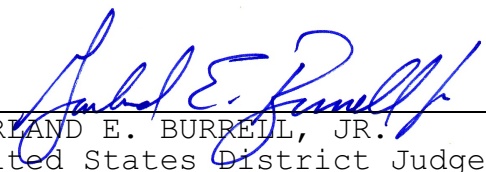
1 Judge within sixty (60) days of the date on which this Order is filed.
2 If Plaintiff fails to timely file the motion, Plaintiff shall show cause
3 in writing no later than 4:00 p.m. on March 12, 2012, why this defendant
4 should not be dismissed for failure of prosecution.

5 Further, Plaintiff states: "SCHMITT defendants are represented
6 by Mark Emmett who is presently indisposed due to family illness.
7 Plaintiff anticipates settlement with SCHMITT defendants upon Mr.
8 Emmett's return." (Status Report 1:28-2:2.) Since the Schmitt Defendants
9 have not filed an answer, Plaintiff shall either file a notice of
10 settlement, a document explaining how this action will be prosecuted, or
11 the documents necessary to prosecute the case against these defendants
12 as a default matter, within forty-five (45) days of the date on which
13 this Order is filed. If Plaintiff fails to file any referenced document
14 concerning his case against the Schmitt Defendants, Plaintiff shall Show
15 Cause in a writing filed no later than 4:00 p.m. on March 12, 2012, why
16 these Defendants should not be dismissed for failure of prosecution.

17 Further, the status conference scheduled for hearing on
18 November 14, 2011, is continued to commence at 9:00 a.m. on March 26,
19 2012. A status report shall be filed fourteen (14) days prior to the
20 status conference in which Plaintiff is required to explain the status
21 of the proceedings.

22 IT IS SO ORDERED.

23 Dated: November 9, 2011

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25 
26 _____
GARLAND E. BURRELL, JR.
United States District Judge