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

4WALL LAS VEGAS, INC.,

Plaintiff,

No. 2:12-cv-2746-KJN

vs.

MARK TRIEBWASSER, dba STAGE 1,
INC., et al.,

Defendants.

ORDER

On June 24, 2013, the court issued an order to show cause (“OSC”) why defendants’ counsel should not be sanctioned for failure to respond to the court’s prior orders regarding potential alternative dispute resolution. (ECF No. 57.)¹ Thereafter, on June 25, 2013, defendants’ counsel filed a response to the OSC, representing that he had encountered difficulties with the electronic filing system and apologizing for his failure to timely respond to the court’s orders. (ECF No. 58.) Defendants’ counsel also filed a statement indicating that defendants and counterclaimants Mark Triebwasser and Stage 1, Inc. agree to participate in a settlement conference before the undersigned, waiving any disqualification by virtue of the undersigned

¹ All parties consented to the jurisdiction of a United States magistrate judge pursuant to 28 U.S.C. § 636(c) (ECF Nos. 8, 25, 26), and the action was referred to the undersigned for all further proceedings and entry of final judgment. (ECF No. 27.)

1 serving as the trial judge. (ECF No. 58-1.) Plaintiff and the counterdefendants have likewise
2 agreed to a settlement conference before the undersigned, also agreeing to waive any
3 disqualification by virtue of the undersigned acting as the assigned trial judge. (ECF No. 55.)

4 In light of the above, IT IS HEREBY ORDERED that:

5 1. The order to show cause (ECF No. 57) is DISCHARGED.

6 2. A settlement conference is set for Wednesday July 17, 2013, at 9:00 a.m., in
7 Courtroom No. 25 before the undersigned. In addition to counsel, client representatives for each
8 party with full settlement authority shall be personally present at the settlement conference. The
9 parties are directed to exchange non-confidential settlement conference statements no later than
10 July 10, 2013. These statements shall be simultaneously delivered to the court using the
11 following e-mail address: kjnorders@caed.uscourts.gov. If a party desires to share additional
12 confidential information with the court, it may do so pursuant to the provisions of Local Rule
13 270(d) and (e).

14 3. The hearing on plaintiff's motion for contempt (ECF No. 45) and plaintiff's
15 motion to amend the operative complaint (ECF No. 50) is CONTINUED to August 8, 2013, at
16 10:00 a.m., in Courtroom No. 25 before the undersigned. Assuming that the case does not
17 otherwise settle, any opposition to these motions shall be filed no later than July 25, 2013, with
18 any reply due by August 1, 2013. *Failure to file a timely opposition to the motions may result in*
19 *the imposition of any appropriate sanctions and/or may be deemed as a statement of non-*
20 *opposition to the pending motions.*

21 IT IS SO ORDERED.

22 DATED: June 25, 2013

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26 KENDALL J. NEWMAN
UNITED STATES MAGISTRATE JUDGE