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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

FRESHKO PRODUCE SERVICES, INC.,

Plaintiff,

v.

C & A FRESH PRODUCE, et al.,

Defendants.

No. 2:14-cv-01744-KJM-AC

ORDER

On January 23, 2015, plaintiff filed a motion for default judgment against Defendants C & A Fresh Produce and Hristos Artsitas, with a noticed hearing for February 27, 2015. ECF No. 8. On the same day, plaintiff filed an amended motion with a corrected hearing date of February 25, 2015. ECF No. 13. On February 5, 2015, plaintiff filed a notice that Defendant Artsitas had filed for bankruptcy. ECF No. 16. On February 23, 2015, plaintiff filed a notice rescheduling the hearing on its motion for default judgment from February 25, 2015, to April 8, 2015. ECF No. 16. According to plaintiff, the parties have come to a settlement agreement in Defendant Artsitas's bankruptcy proceedings. Id. at 2. That settlement contemplates the settlement of this matter. Id. Accordingly, plaintiff requests that the court delay the hearing on plaintiff's motion for default judgment to allow the bankruptcy judge time to approve the settlement. Id. Plaintiff also requests that the undersigned vacate the pretrial scheduling conference set for March 5, 2015, by Judge Mueller. Id.; ECF No. 7.

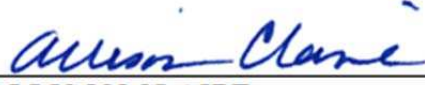
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The court finds good cause to continue the hearing on plaintiff's motion for default judgment. However, the undersigned cannot vacate the pretrial scheduling conference in this matter, as it was set by the presiding district judge. If plaintiff would like to vacate the pretrial scheduling conference it must file the appropriate motion with Judge Mueller.

In accordance with the foregoing, THE COURT HEREBY ORDERS that:

1. Plaintiff's request to continue the hearing on its motion for default judgment to April 8, 2015, ECF No. 16, is GRANTED; and
2. Plaintiff's request to vacate the court's pretrial scheduling conference, ECF No. 16, is DENIED.

DATED: February 24, 2015

  
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ALLISON CLAIRE  
UNITED STATES MAGISTRATE JUDGE