



Fw: Settlement Conference in Crook v. Szopinski, No C09431 SBA

[REDACTED] to: [REDACTED]

07/27/2010 07:13 AM

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From: wagnerharris@comcast.net
To: [REDACTED]
Cc: r.crook@live.com
Date: 07/26/2010 04:38 PM
Subject: Settlement Conference in Crook v. Szopinski, No C09431 SBA

Dear Ms. Yiu,

We are writing in regards to a settlement conference in the above matter, apparently scheduled for July 30, 2010. Today the parties received an order that we file a settlement conference statement by the close of business tomorrow. We apologize to the Court and we will do so.

However, we want to alert the Court to the fundamental changes ordered in the calendar of the case by Judge Armstrong, that warrant a continuance of the settlement conference.

Defendants filed a motion for summary judgment on December 31, 2009 well in advance of the case deadline. But, because of the court's unavailability for months, defendants then submitted three ex parte applications to obtain a hearing date for the motion. When this settlement conference was scheduled, the parties were informed that the court was available in June 2010 to hear the motion. The court was not. The numerous attempts to schedule the hearing were set forth in a renewed ex parte application to the court. [Doc. #65.]

On April 23, 2010, after this settlement conference had been set, the court then scheduled the hearing date on the summary judgment motion for July 27, 2010. [Doc #68.] The failure to continue the settlement conference previously scheduled was an oversight, for which defendants apologize. Today, July 26, 2010, the court *sua sponte* continued the hearing date on the summary judgment motion to August 6, 2010. [Doc #70.]

Absent a ruling on the summary judgment motion, it will be extremely difficult to have any meaningful settlement conference. Accordingly, defendants respectfully request that the settlement conference be continued to the week of August 23-27, to allow for a hearing and court ruling on the dispositive motion.

Sincerely,

Rachel Wagner
Bertrand, Fox & Elliott

REQUEST IS DENIED.
Dated: 7/27/2010

