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4 IN THE UNITED STATES DISTRICT COURT  
5 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
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7 ERIC WITHERSPOON, professionally  
8 known as DORIAN MOOR, an  
9 individual,

10 Plaintiff,

11 v.

12 CARLA GREEN, an individual;  
13 KARRYL SMITH, an individual;  
14 CARLA GREEN and KARRYL SMITH,  
15 professionally known as THE  
16 CONSCIOUS DAUGHTERS; OSCAR JEROME  
17 JACKSON, JR., professionally  
18 known as PARIS, an individual;  
19 GUERRILLA FUNK RECORDINGS AND  
20 FILM WORKS, LLC, a California  
21 limited liability company;  
22 FONTANA DISTRIBUTION, LLC, a  
23 Delaware limited liability  
24 company; STEVEN ANDERSON, also  
25 known as STEVEN KING, an  
26 individual; and DOES 1 through  
27 200, inclusive ,

28 Defendants.

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No. C 10-3722 CW

ORDER GRANTING  
DEFENDANT CARLA  
GREEN'S MOTION TO  
SET ASIDE ENTRY OF  
DEFAULT, and  
GRANTING IN PART  
AND DENYING IN  
PART DEFENDANT  
GREEN'S REQUEST TO  
CONTINUE THE TRIAL  
AND REOPEN  
DISCOVERY (Docket  
No. 42)

22 For the reasons explained at the December 22, 2011 hearing,  
23 the Court grants Defendant Carla Green's motion to set aside entry  
24 of default against her and her request to continue the trial.  
25 Docket No. 42. The five day jury trial is reset to begin on March  
26 19, 2012 at 8:30 am. The Court will not entertain any dispositive  
27 motions. The parties shall appear for a final pretrial conference  
28 on March 7, 2012 at 2:00 pm. Deadlines and requirements related

1 to the pretrial conference are provided in the Court's standing  
2 order for pretrial preparation.

3       Discovery in this case is reopened on a limited basis. Green  
4 may submit limited discovery requests, which shall be served on  
5 Witherspoon on or before January 3, 2012. Green's requests for  
6 discovery are limited to five requests for the production of  
7 documents, five requests for admissions, five interrogatories and  
8 a deposition of Witherspoon, not to exceed four hours.  
9 Witherspoon shall respond to Green's written discovery requests on  
10 or before February 3, 2012. If necessary, Green may file a motion  
11 for late disclosure of an expert witness. Witherspoon may submit  
12 discovery requests in keeping with the rules set forth in the  
13 Federal Rules of Civil Procedure.

14       Finally, for settlement purposes, this case is referred to  
15 Magistrate Judge Maria Elena James, with the understanding that  
16 she previously handled a discovery dispute in this action. The  
17 parties shall appear for a settlement conference with Judge James  
18 at the convenience of her calendar.

19       The claims against Karryl Smith and Steven Anderson are  
20 dismissed because they were never served with the summons and  
21 complaint. Docket No. 7.

22       IT IS SO ORDERED.

23  
24 Dated: 12/27/2011

  
CLAUDIA WILKEN  
United States District Judge