

1
2
3
4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA
6

7 **UNITED STATES OF AMERICA,**

14-cv-2071 YGR

8 Plaintiff,

**ORDER GRANTING MOTION TO INTERVENE
AND DENYING WITHOUT PREJUDICE
MOTION TO DISSOLVE INJUNCTION;
REFERRAL TO MAGISTRATE JUDGE FOR
SETTLEMENT PURPOSES; AND SETTING
STATUS CONFERENCE**

9 vs.

10 **BURTON O. BENSON,**

11 Defendant.

DKT NOS. 65, 66

12
13
14 **NICHOLAS SAAKVITNE, *Trustee, ERG Profit***
15 ***Sharing Plan,***

15-cv-5091 YGR

16 Plaintiff,

17 v.

17 **BURTON ORVILLE BENSON,**

18 Defendant.
19

20 Pending before the Court are the motions (14-cv-2071, Dkt. Nos. 65 and 66) of Energy
21 Research & Generation Inc. to Intervene and to Dissolve the Court's orders for preliminary
22 injunction and appointment of an independent fiduciary in light of the suggestion of death of
23 defendant Burton O. Benson.

24 The Court, having held status conferences on these cases and the related criminal on May 19
25 and 26, 2017, **ORDERS** as follows:

26 1. Both the related matters are **REFERRED** to Magistrate Judge Joseph C. Spero for global
27 settlement discussions. The parties are directed to meet and confer and file a joint notice stating the
28 dates they are unavailable for a settlement conference no later than **May 31, 2017**. The Government

United States District Court
Northern District of California

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

is directed to notify all known heirs of Benson and their respective counsel of the settlement conference to insure participation of all interested parties;


2. The motion to intervene filed in the 14-cv-2071 matter is **GRANTED**;

3. The motion to dissolve the preliminary injunction filed in the 14-cv-2071 matter is **DENIED WITHOUT PREJUDICE** to renewal after the parties have completed their settlement conference with Magistrate Judge Spero.

4. Both the related matters are set for a further status conference on **September 22, 2017, at 9:00 a.m.** in Courtroom 1, Federal Courthouse, 1301 Clay Street, Oakland.

IT IS SO ORDERED.

Dated: May 31, 2017


YVONNE GONZALEZ ROGERS
UNITED STATES DISTRICT COURT JUDGE