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IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

Advanced Microtherm, Inc., at al.,

NO. C 04-02266 JW

Plaintiffs,

v.

**ORDER RE: PAYMENTS TO FORMER
SPECIAL MASTER; SETTING HEARING
ON ORDER TO SHOW CAUSE RE:
CONTEMPT OF COURT**

Norman Wright Mechanical Equipment
Corp., et al.,

Defendants.

On June 11, 2010, the Court entered an order striking Magistrate Judge Trumbull's September 11, 2009 Report and Recommendation. (hereafter, "Order," Docket Item No. 1711.) The Court held that, "[b]ased on the record of the case as a whole and the fact that no party ever complained of the Special Master's fees during his three years of appointment to the case, the Court finds that the Special Master's fees are reasonable and that his service to the Court in this case was consistently of high quality." (Order at 2.) The Court ordered that ". . . all payments due and owing to the Special Master shall be paid within **fifteen (15)** days from the date of this Order." (Id.) More importantly, the Court unequivocally ordered that "[f]ailure to do so will result in further sanctions by the Court." (Id.)


On July 13, 2010, well over the fifteen day deadline set by the Court's June 11 Order, Mr. Denver filed his Status Report informing the Court that Plaintiff is still delinquent on its payment. (Docket Item No. 1759.) On July 15, 2010, Mr. Denver filed a Further Status Report to inform the Court that he has been in communication with Plaintiffs' counsel and that counsel has asked for a

1 reasonable time to resolve the outstanding payments. (Docket Item No. 1763.) Mr. Denver has
2 agreed to provide Plaintiffs until July 27, 2010 to investigate and respond to the outstanding
3 payments.

4 Because the Court unequivocally ordered that all payments due and owing to the Special
5 Master be paid and Plaintiffs have failed to do so, the Court sets **August 23, 2010 at 9 a.m.** as a
6 hearing on an Order to Show Cause re: Contempt of Court against Plaintiffs. This hearing will be
7 vacated if all payments are paid on or before **August 6, 2010**, and the Court receives a Status Report
8 from Mr. Denver to that effect.

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10 Dated: July 15, 2010



JAMES WARE
United States District Judge

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1 **THIS IS TO CERTIFY THAT COPIES OF THIS ORDER HAVE BEEN DELIVERED TO:**

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23 **Dated: July 15, 2010**

Richard W. Wieking, Clerk

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By: /s/ JW Chambers
Elizabeth Garcia
Courtroom Deputy