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United States District Court
Northern District of California

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AEROFUND HOLDINGS, INC.,
Plaintiff,
v.
LISA BASSHAM BROWN, et al.,
Defendants.

Case No. 20-cv-03747-VKD

**ORDER DISCHARGING ORDER TO
SHOW CAUSE, VACATING INITIAL
CASE MANAGEMENT CONFERENCE**

**ORDER OF REASSIGNMENT TO
DISTRICT JUDGE**

On September 4, 2020, the Court granted plaintiff Aerofund Holdings, Inc.’s (“Aerofund”) request to continue the initial case management conference from September 8, 2020 to November 17, 2020. Dkt. No. 9. The Court ordered the parties to submit a joint case management statement that complies with all applicable Civil Local Rules and Standing Orders by November 10, 2020. Id. at 2. Defendants have not appeared in this action or consented to magistrate judge jurisdiction. No party filed a case management statement by the November 10 deadline. The Court issued an order to show cause why the action should not be dismissed for failure to prosecute. Dkt. No. 16.

In its show cause response, Aerofund states that it has reached a settlement agreement with defendants Lisa Bassham Brown, MBROWN Tech Services, MBrown Tech Services, LLC, and Mike Brown, and that those defendants stipulate to entry of judgment. Dkt. No. 18 ¶¶ 4-8; Dkt. No. 20. Aerofund additionally states that it has reached a settlement agreement with defendant LMI Systems LLC which the parties are reducing to writing. Id. ¶ 9. Aerofund’s counsel attributes Aerofund’s failure to file a case management statement or seek relief from pending deadlines to counsel’s “inadvertence.” Id. ¶¶ 4, 10. Based on the representations made in Aerofund’s response, the Court discharges the order to show cause.

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As none of the defendants has appeared in the action or consented to magistrate judge jurisdiction, the Court has authority to act only on non-dispositive matters in this action. Absent the consent of all parties, this Court does not have jurisdiction over the action generally and may not enter judgment against a party. Rather, the action must be referred to a district judge for this purpose. 28 U.S.C. § 636; Williams v. King, 875 F.3d 500 (9th Cir. 2017). Accordingly, it is ordered that this case be reassigned to a district judge. All pending motions, including Aerofund’s request for entry of a stipulated judgment, will be decided by the newly assigned judge. All scheduled appearances are hereby vacated and will be reset by the newly assigned judge.

IT IS SO ORDERED.

Dated: November 17, 2020

Virginia K. DeMarchi
VIRGINIA K. DEMARCHI
United States Magistrate Judge