

IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION

STEPHEN BARDFIELD and  
CHARLES CARVER,  
Plaintiffs,

v.

Case No. 3:09cv232/MCR/EMT

CHISHOLM PROPERTIES CIRCUIT EVENTS, LLC,  
and  
JOHNNY CHISHOLM, individually,  
Defendants.

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**ORDER**

By order dated September 15, 2009, the court directed Defendant Johnny Chisholm (“Chisholm”) to show cause, if any, within seven days why his pending motion for protective order should not be denied as untimely and/or moot (Doc. 54). The court further directed Chisholm to inform the court within that same period of the status of his purported efforts to obtain counsel, both for himself individually and for the corporate defendant (*id.*).<sup>1</sup> The time for response has expired without Chisholm’s having responded to the order.

Chisholm’s motion for protective order (Doc. 51) is denied as untimely and/or moot and for failure to respond to an order of the court. Chisholm shall also be given until 5:00 p.m., **OCTOBER 7, 2009**, in which to advise the court of the status of his efforts to obtain counsel, both for himself individually and for the corporate defendant. Chisholm’s failure to respond to the court’s order may result in a recommendation that sanctions be imposed against him for failing to respond to an order of the court.

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<sup>1</sup> A motion for default judgment against the corporate defendant is pending (Doc. 49).

Accordingly, it is **ORDERED**:

1. Defendant Johnny Chisholm's motion for protective order (Doc. 51) is denied as untimely and/or moot and for failure to respond to an order of the court.

2. Defendant Johnny Chisholm shall have until 5:00 p.m., **OCTOBER 7, 2009**, in which to advise the court of the status of his efforts to obtain counsel, both for himself individually and for the corporate defendant. Chisholm's failure to respond to the court's order may result in a recommendation that sanctions be imposed against him for failing to respond to an order of the court. **DONE AND ORDERED** this 1<sup>st</sup> day of October 2009.

*/s/ Elizabeth M. Timothy* \_\_\_\_\_

**ELIZABETH M. TIMOTHY**  
**UNITED STATES MAGISTRATE JUDGE**