

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF FLORIDA  
PENSACOLA DIVISION**

STEPHEN BARDFIELD, ET AL

vs

Case No. 3:09cv232/MCR/EMT

CHISHOLM PROPERTIES CIRCUIT  
EVENTS, LLC., ET AL

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**ORDER**

**PLAINTIFFS' MOTION TO DISCHARGE BOND AND INCORPORATED MEMORANDUM OF LAW** posted on February 25, 2010 (Doc. 67), was referred to the undersigned with the following deficiency:

Counsel for the moving party, or a party who proceeds pro se, must confer with counsel for the opposing party and shall file with the court, at the time of filing a motion, a statement certifying that counsel or the pro se party has conferred with counsel for the opposing party in a good-faith effort to resolve by agreement the issues raised or has attempted to so confer but, for good cause stated, was unsuccessful, as required by Rule 7.1(B) of the Local Rules of the Northern District of Florida.

For this reason, it is **ORDERED** that:

Based on the above deficiency, the motion (Doc. 67) shall be **DENIED**, without prejudice to Plaintiffs' filing an amended motion bearing a Rule 7.1(B) certificate.

The parties are advised that upon Plaintiffs' filing an amended motion, the court will give Defendant Johnny Chisholm the opportunity—on an expedited basis—to file a response. Absent a persuasive objection by Defendant Chisholm, the court anticipates immediately entering a Report to the district court which recommends that Plaintiffs' motion to discharge or modify the bond be granted, to the extent that the preliminary injunction be modified to reduce the bond from \$200,000.00 to

\$1000.00. The court shall further recommend that the clerk of court be directed to immediately release the balance of the bond, plus any accrued interest, to Plaintiffs' counsel. Additionally, at the earliest possible time, this court anticipates entering a separate Report and Recommendation to the district court on Plaintiffs' motion for default judgment against Defendant Chisholm.

**DONE AND ORDERED** this 3<sup>rd</sup> day of March 2010.

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

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