

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF IDAHO

THOMAS E. PEREZ, SECRETARY OF
LABOR, UNITED STATES
DEPARTMENT OF LABOR,

Plaintiff,

v.

SANDPOINT GAS N GO & LUBE
CENTER, INC., an Idaho corporation;
and SYDNEY M. OSKOU, an
individual,

Defendants.

Case No. 2:14-cv-00357-BLW

AMENDED ORDER

The Court enters this Amended Order to clarify the date of the hearing. In his motion, Defendant asked to vacate the “September 25” hearing. The Court denied the motion. The hearing is actually scheduled for September 24. Accordingly, the Court enters this Amended Order to clarify that point, and to note that if the Court does not grant a renewed motion to vacate, the hearing will proceed on September 24, 2015, not September 25, 2015. The remainder of this Order is as was stated in the earlier Order.

RESTITUTION ORDER - 1

The Court has before it Defendant Oskoui's Motion to Vacate Hearing Set for September 25th, 2015, and Motion to Shorten Time (Dkt. 51). Defendant asks the Court to vacate the hearing because he will be out of the state on the day of the hearing, and for an additional week "depending on the medical condition of his family member." *Motion to Vacate*, p.1, Dkt. 51. The only specific information Defendant gives about his absence is that it would be prejudicial for him "to cancel a trip for medical purposes, in which doctors and staff are waiting for his appearance and his wife in support." *Motion to Vacate*, p. 4, Dkt. 51.

As is this Court's typical practice, the Court will only vacate a hearing for medical reasons if the Court is presented with specific information about why the medical condition prevents attendance at the hearing, including a doctor's note. Accordingly, the Court will deny the motion with leave to re-file.

IT IS SO ORDERED.

1. Defendant Oskoui's Motion to Vacate Hearing Set for September 25th, 2015, and Motion to Shorten Time (Dkt. 51) is **DENIED WITHOUT PREJUDICE**. Defendant may re-file a motion to vacate the hearing, no later than Monday, September 21, 2015. The motion shall include more specific information about the medical condition and why it prevents Defendant's appearance at the hearing. The motion shall include where the Defendant intends to be on the date of the hearing – not just "out of state." And the motion shall include a doctor's note about the medical condition and why it prevents Defendant from attending the **September 24, 2015** hearing. Defendant may file the motion and

doctor's note *ex parte* and under seal if he believes the information is medically confidential.



DATED: September 16, 2015

A handwritten signature in black ink that reads "B. Lynn Winmill". The signature is written in a cursive style and is positioned above a horizontal line.

B. Lynn Winmill
Chief Judge
United States District Court