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5   **UNITED STATES DISTRICT COURT**

6   **DISTRICT OF NEVADA**

7 | SECURITIES AND EXCHANGE   2:09-CV-250 JCM (LRL)
     | COMMISSION,
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     | Plaintiff,
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     |
10 | v.
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11 | LEWIS E. GRAHAM II and
     | FLOWORKS, INC.,
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     | Defendants.
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15   **ORDER**

16   Presently before the court is the case of *Securities and Exchange Commission v. Graham,*

17   *II et al* (Case No. 2:09-cv-00250-JCM -LRL).

18   On April 11, 2011, plaintiff Securities and Exchange Commission filed a proposed pretrial

19   order (doc. #59 and #60) pursuant to the court's February 24, 2011, order (doc. #56) requiring that

20   the parties file a joint pretrial order. Defendant Lewis E. Graham did not participate in the

21   preparation of the pretrial order (doc. #59 and #60), and plaintiff asserts that it attempted via email

22   to communicate with the defendant regarding the pretrial order. Plaintiff further asserts that it has

23   "not received any information from defendant" despite forwarding the pretrial order and requesting

24   information on April 8, 2011. (Doc. #60). On April 13, 2011, defendant filed a proposed pretrial

25   order (doc. #62) which does not bear the signature of plaintiff's counsel or in any way indicate that

26   it is a joint pretrial order.

27   Pursuant to Local Rule 16-3, "counsel who will try the case and who are authorized to make

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James C. Mahan
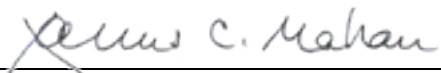**U.S. District Judge**

1 binding stipulations shall personally settle and prepare and lodge with the court a proposed *joint*

2 pretrial order." (Emphasis added). It appears that defendant filed his own proposed order rather than

3 comply with the requirements of Local Rule 16-3.

4   Accordingly,

5   IT IS HEREBY ORDERED ADJUDGED AND DECREED that defendant shall personally

6 meet with opposing counsel and "personally settle and prepare and lodge with the court a proposed

7 joint pretrial order" within thirty (30) days from the date of this order. Failure to comply with this

8 directive will result in the striking of defendant's answer and entry of judgment against him.

9   DATED this 22nd day of April, 2011.

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    UNITED STATES DISTRICT JUDGE

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