

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

	* * *	
DANA CORBO,)	
)	
Plaintiff,)	
)	2:10-cv-00316-GMN -VCF
v.)	
)	ORDER
RONALD W. LAESSIG, <i>et al.</i> ,)	
)	(Scheduling Status Conference)
Defendant.)	
)	

Before the court is the matter of *Corbo v. Laessig et al* (Case No. 2:10-cv-00316-GMN-VCF).

Background

On March 8, 2010, plaintiff Corbo filed a complaint against several defendants asserting claims for (1) breach of fiduciary duty, (2) concealment, (3) negligence, (4) unjust enrichment, (5) breach of contract, (6) breach of implied covenant of good faith and fair dealing, and (7) declaratory relief. (#1).

On April 20, 2011, defendants the United Employee Benefit Fund, the United Employee Benefit Fund Trust Agreement, and the Trustees of the United Employee Benefit Fund (hereinafter “United Benefit Defendants”) filed an answer, a counterclaim against plaintiff Corbo, and cross-claim against Fidelity Federal Financial Services Corporation, Fidelity Federal Retirement Plans Corporation, and Fidelity Federal Group’s (hereinafter “Fidelity Federal Defendants”). (#49). On April 22, 2011, Fidelity Federal Defendants filed an answer, a counterclaim against plaintiff Corbo, and a cross-claim against the United Benefit Defendants. (#50).

On May 4, 2011, the Fidelity Federal Defendants filed an answer to the United Benefit Defendants’ cross-claim. (#53). On May 5, 2011, the Fidelity Federal Defendants filed a third-party complaint against United Financial Group, Ltd. and Marshall David Katzman, alleging that the third-party defendants may be liable for acts and events alleged in plaintiff Corbo’s complaint (#1). (#54).

On June 10, 2011, the court signed the parties stipulation to extend time to file discovery plan and

1 scheduling order, stating that the scheduling order was due thirty (30) days “after defendant United
2 Financial has filed its responsive pleading in this Action.” (#68). United Financial did not appear in
3 this action and no discovery plan and scheduling order was filed. On December 21, 2011, the Fidelity
4 Federal Defendants filed a motion for entry of clerk’s default against United Financial (#94), and the
5 clerk entered default (#95). The Fidelity Federal Defendants have not filed a motion for default
6 judgment against United Financial.

7 On June 5, 2012, the parties filed a motion for determination of good faith settlement. (#101).
8 On July 7, 2012, the court entered an order granting the motion for good faith settlement. (#109). On
9 August 22, 2012, the parties filed a stipulation to dismiss with prejudice. (#110). The stipulation stated
10 that “claims in Dana Corbo’s Complaint against United Employee Benefit Fund, United Employee
11 Benefit Fund Trust Agreement, and Trustees of the United Employee Benefit Fund’s are not resolved
12 by the good faith settlement set out in the Fidelity Federal Defendants’ Motion (ECF # 101) or by this
13 stipulation to dismiss other causes of action described herein, *supra*, so that Dana Corbo’s Complaint
14 against United Employee Benefit Fund, United Employee Benefit Fund Trust Agreement, and Trustees
15 of the United Employee Benefit Fund may continue to be prosecuted.” *Id.* The court signed the
16 stipulation on September 7, 2012. (#111). No action has been taken since the court signed the
17 stipulation (#111).

18 Accordingly, and for good cause shown,

19 IT IS ORDERED that a status conference is scheduled for December 7, 2012, at 2:30 p.m. in
20 Courtroom 3A to address the following:

- 21 (1) a discovery plan and scheduling order for the remaining claims;
- 22 (2) disposition of the claim against United Financial; and
- 23 (3) any other issues the parties may raise.

24 ...

25 ...

1 IT IS FURTHER ORDERED that plaintiff Corbo and defendants United Employee Benefit
2 Fund, United Employee Benefit Fund Trust Agreement, and Trustees of the United Employee Benefit
3 Fund must appear at the status conference.

4 DATED this 14th day of November, 2012.



5 _____
6 **CAM FERENBACH**
7 **UNITED STATES MAGISTRATE JUDGE**

8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26