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11UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA

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DONALD BLACKWELDER,

Plaintiff,

v.

CHARLES THORNTON, et al.,

Defendants.

Case No. 2:15-cv-02373-JAD-PAL

ORDER

The court conducted a status hearing on April 10, 2018 regarding the parties' possible settlement of this matter. Steven Parsons appeared on behalf of plaintiff, pro se defendant Brian Howells appeared telephonically, and Nicholas Wiczorek appeared on behalf of the remaining defendants.

Plaintiffs' counsel received financial information from Mr. Howells and indicates it will take approximately 60 days to assess whether plaintiff intends to proceed with claims against Howells. Plaintiff and Thornton have been in the process of finalizing their settlement but do not yet have an executed agreement. Plaintiff and the New Jersey Receiver for Aecos believe they have an agreement in principal, but the agreement is dependent on the terms of the Blackwelder/Thornton settlement agreement. The Receiver will need to see the final executed agreement before settling with the plaintiff, and will need to seek approval of any settlement reached between plaintiff and Aecos from the New Jersey court in which the receivership action is pending. Mr. Howell may oppose the settlement in New Jersey if it involves transferring intellectual property rights to plaintiff.

This case has languished on the court's docket for far too long. The court will enter a **final** discovery plan and scheduling order giving the parties 90 days from the hearing to complete any remaining discovery and set other deadlines consistent with LR 26-1. No further extensions will

1 be allowed. Any request for further extension should be filed as a motion/objection addressed to  
2 the district judge to overrule this court's ruling that no further extension will be granted.

3 The court has addressed the fact that Aecos is a corporation but is not represented by  
4 counsel since December 1, 2017 on several occasions. The parties have urged the court not to  
5 recommend case dispositive sanctions to the district judge because it may prevent the parties from  
6 reaching a settlement. **Dispositive sanctions will be recommended if plaintiff and Aecos have**  
7 **not executed a signed agreement and applied to the New Jersey court for approval by June**  
8 **1, 2018.** Accordingly,

9 **IT IS ORDERED** that the following discovery plan and scheduling order deadlines shall  
10 apply:

- 11 1. Deadline to complete discovery: **July 9, 2018.**
- 12 2. Last date to file dispositive motions: **August 8, 2018.**
- 13 3. Last date to file joint pretrial order: **September 7, 2018.** In the event dispositive  
14 motions are filed, the date for filing the joint pretrial order shall be suspended until 30  
15 days after a decision of the dispositive motions.
- 16 4. The disclosures required by Fed. R. Civ. P. 26(a)(3), and any objections thereto, shall  
17 be included in the pretrial order.

18 **IT IS FURTHER ORDERED** that no further extensions will be allowed, and any request  
19 for further extension shall be filed as a motion or objection addressed to the district judge to  
20 overrule this order.

21 **IT IS FURTHER ORDERED** Aecos shall have until **June 1, 2018** to retain counsel who  
22 shall make an appearance in this case in accordance with the requirements of the Local Rules of  
23 practice unless it has executed a settlement agreement and applied to the New Jersey Court in  
24 which the receivership is pending for approval.

25 DATED this 16th day of April, 2018.

26  
27   
28 PEGGY A. LEEN  
UNITED STATES MAGISTRATE JUDGE