

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW JERSEY**

BAKER,  
Plaintiff,

v.

CITY OF ELIZABETH, et al,  
Defendants.

Civil Action No.

2:11-CV-360 SDW-SCM

**ORDER TERMINATING MOTION D.E. 38  
TO ENTER DEFAULT AND SETTING A  
BRIEFING SCHEDULE**

**THIS MATTER** having come before the Court on Thursday January 8, 2015 by way of telephone conference on the record,

**IT IS** on this 8<sup>th</sup> Day of January, 2015 Ordered as follows:

1. **Motion for Default:** Plaintiff's motion for default D.E. 38 is DENIED. The pleading served by plaintiff was previously stricken by the Court.
  
2. **Motion Practice:** No motions are to be filed without leave from this Court. All dispositive motions must first be the subject of a dispositive motion pre-hearing. These pre-requisites must be met before any motions are filed and the motions will be returned if not met. All calendar or dispositive motions, if permitted, shall comply with L. Civ. R. 7.1(b), and L. Civ. R. 78.1. If a party fails to file a timely opposition, the court will consider and decide the motion as uncontested, and ordinarily will grant the motion without further notice.

Plaintiff Baker abjured any and all claims set forth in the pleading filed at D.E. 39 against defendant Lawrence Smith and Athanasio Mikros on the record. The City of Elizabeth defendants shall move to dismiss in lieu of Answer under Rule 12 motion filed by 2/6/2015 Opposition is to be filed by 3/6/2015. Replies are to be filed by 3/16/2015. The motion will returnable before the Hon. Susan D. Wigenton, U.S.D.J., and the Judge's chambers will advise whether oral argument will be requested.

3. **Telephone Conference:** The court will hold a telephone conference on 7/17/2015 **at 9:30 a.m.** Counsel for defendants shall appear in the Clerk's Office video conference center for the conference. South Woods State Prison shall produce plaintiff Baker (SBI 322457B) for the tele conference on the date and time set forth herein. Robert Varady, Esq., **counsel for the Elizabeth defendants, shall** serve a copy of this order upon South Woods State Prison and plaintiff Baker within the next seven days and follow up with the Prison seven days prior to the scheduled conference to confirm same.

**FAILURE TO COMPLY WITH THE TERMS OF THIS ORDER OR ANY  
SUBSEQUENT SCHEDULING ORDERS ENTERED BY THIS COURT MAY  
RESULT IN SANCTIONS. See Fed.R.Civ.P. 16(f) and 37.**



*Steve C. Mannion*

Honorable Steve Mannion, U.S.M.J.  
United States District Court,  
for the District of New Jersey  
phone: 973-645-3827